REPORT

OF THE

Committee of the House of Commons,

IN CONSEQUENCE OF

THE SEVERAL MOTIONS

RELATIVE TO THE

TREATMENT

OF

PRISONERS OF WAR.

INCLUDING

The Whole of the EXAMINATIONS taken before the COMMITTEE
the Correſpondence relative to the EXCHANGE of PRISONERS;
the INSTRUCTIONS of

COLONEL TATE,

&c. &c. &c.

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1798.

REPORT, &c.

Mercurii, 9° die Maii, 1798.

THE COMMITTEE, to whom the Report was re-committed, which was made from the Committee to whom the ſeveral Papers, which were preſented to the Houſe upon the twenty-firſt Day of March laſt by Mr. WHITEHEAD, from the Tranſport Board, and by Mr. STEWART from the Commiſſioners for Sick and Wounded Seamen, reſpecting the TREATMENT OF PRISONERS OF WAR, were referred; and who were directed to examine the matters thereof, and report the ſame, with their Opinion thereupon, to the Houſe:—Have, purſuant to the Order of the Houſe, made ſome alterations in the ſaid Report, and ſome additions thereto, and have agreed upon the following REPORT; *viz.*

FROM the multiplicity of papers and evidence which it has been neceſſary to examine, your committee have found it convenient, for the ſake of perſpicuity, to arrange the ſubject under the following heads; Firſt, The Treatment of the French Priſoners of War confined in England — Secondly, The Treatment of the Britiſh Priſoners of War confined in France — Thirdly, The Steps taken by the Britiſh Government for the Eſtabliſhment of a Cartel of Exchange: With the Proceedings in both Countries reſpecting Sir Sidney Smith, and of Priſoners on Parole.

After examining ſuch of the papers and evidence as belong to the firſt head, it appears to your Committee, that the Britiſh government, actuated by the moſt liberal motives, from the moment that the chance of war had made the priſoners of the enemy an object of public attention, was careful to provide ſuch places of confinement as were moſt conſiſtent with the internal ſafety of this country, and the general accommodation of the priſoners themſelves; that in every inſtance the moſt humane regulations were framed for their treatment, both in the priſons and the hoſpitals; that medi-

 cal

cal attendance of every kind was provided in the moſt ample
No. 2. A. manner; that every reaſonable check was introduced againſt fraud and impoſition; and that the priſoners themſelves were permitted, without reſtraint, to appoint inſpectors of their own, with a view to the juſt delivery of the allotted rations; that complaints were far from being diſcouraged; and that the contractors, whenever liable to cenſure, were rigorouſly proceeded againſt and puniſhed: and as the beſt proof that the priſoners had cauſe to be ſatisfied with their treatment in moſt inſtances, the ſame contractors as were employed by our government, have been continued ſince the ſuperintendence has been transferred to agents appointed by the Directory of France.

No. 1. It appears that, from the commencement of the war to the 1ſt of January 1796, the care of the French priſoners was veſted in the commiſſioners for ſick and wounded ſeamen.—The principal priſons in England were, Portcheſter and Forton, near Portſmouth; Plymouth; Stapleton, near Briſtol; Norman Croſs, near Stilton, was not built till April 1797; Liverpool; Roſkof and Kerguillack, between Penryn and Falmouth, beſides other places of temporary confinement, and priſon ſhips
No. 1. A. at different ports. The regulations adopted were the ſame as in the two laſt wars, both with reſpect to priſoners in
No. 1. B. health, and the Sick. The daily rations of proviſions for priſoners of the former deſcription were, one quart of beer, one pound and half of bread, one third of an ounce of ſalt, three quarters of a pound of beef, except on Saturdays, when four ounces of butter or ſix of cheeſe were ſubſtituted; half a pint of peaſe four days a week. When greens were iſſued in lieu of peaſe, each man's allowance was one pound of cabbage, ſtripped of the ſtalk, and fit for boiling.

Theſe rations varied occaſionally, as circumſtances requi-
No. 1. red. In May 1795, on account of a temporary ſcarcity of freſh beef, it was withheld two days in the week, and ſalted proviſions ſupplied in lieu; and in Auguſt 1795, on account of a ſcarcity of bread, the quantity of that article was diminiſhed for a time, but the deficiency was made up by additional pulſe or vegetables. Upon any complaint of conſequence, a viſitation was made by a commiſſioner of the board, to the ſpot where the complaint aroſe, for the ſake of enquiring into it, and if well founded it was inſtantly redreſſed.

No. 2. B. As an additional check upon the agents and contractors, among the rules which were hung up within the priſon, in the language of the priſoners, was a ſcheme of the rations of proviſions, which were ſubject to the inſpection of a committee appointed by the priſoners, and ſelected from themſelves. A contractor at Falmouth, who had failed in his engagement,
No. 1. was ſentenced to be impriſoned ſix months in the county goal,
5. and to be fined 300l.

No. 1. B. The agents and ſurgeons at all the different priſons were furniſhed with inſtructions, from which they were in no inſtance to deviate, without applying to the Sick and Hurt Board. In addition to the priſon ſurgeons, others were ſe-

lected

lected by the Board from among the prisoners; and tea, sugar, fruit, and porter, having been added to the diet for sick British seamen in our hospitals, the same articles were added to the diet for sick French prisoners. In the prisons each man was allowed a hammock, paillasse, bolster, and blanket No. 1. or coverlet. The straw of the paillasse and bolster was changed as often as occasion required. The bedding in the hospitals was the same as in the hospital for British seamen.

In December 1795, Mr. Charretié, a Frenchman, who had No. 4. resided some years in this country, was appointed by the French Government their agent for the care of French prisoners. He was furnished by the Transport Board with the means of enquiring into the state of the prisons, was suffered No. 5. to visit them whenever he thought fit, and was provided with No. 3. lists of the persons confined in them as often as he required it.

On the 1st of January 1796, the care of prisoners in health No. 2. was transferred to the Transport Board, the superintendance of the hospitals still remaining under the Sick and Hurt Board. The same regulations were observed, and the same allowance of provisions adopted as had been formerly. Nothing particular appears to have occurred relative to the prisoners during that year. In January 1797, orders were given to captains No. 32. superintending prison ships at Portsmouth and Plymouth, to visit them often, as well as the prisons, to hear all complaints, and to report once a week to the Admiralty. In March, the No. 39. Board stated to Mr. Charretié, that the French prisoners were in want of clothing (which it had been agreed was to be provid by France) but said that the Board, from motives of humanity, had supplied a considerable number with clothes, and requested him to urge his Government to re-pay that expence. No answer seems to have been returned to this application, nor does it appear that any clothing was provided by France. In June, Mr. Charretié visited Portchester, where, on account No. 4. of the mutiny which then prevailed in the British fleet, and a suspicion that the mutineers meant to put arms into the hands of the prisoners, who betrayed a strong disposition to disturbance and insurrection, it was thought necessary to enforce stricter discipline. It was found requisite for this end to prohibit the market which had been allowed to be held, for the purpose of putting it in the power of the prisoners, by disposing of varions articles which they manufactured, to supply themselves with vegetables and other little comforts at their own expence. It must be observed, that they had their usual allowance of provisions; but some complaints arose, from impositions in the price of bread and milk, which were clandes- No. 5. tinely brought into the prison by the turnkeys, and sold.—These complaints proved trivial and of no importance.

He next went to Plymouth, where the only complaint he No. 4. heard was of the quality of some of the provisions; but this was redressed by application to Capt. Lane, the superintendent of prisoners. No. 4.

Your committee beg to observe, that Mr. Charretié states as a general observation, that the provisions furnished were

 inferior

inferior to the price paid by Government, and thas at Fal-
mouth, particularly, they were eighty per cent. below the
No. 2. C. contract price; but he produces no proof or document what-
No. 2. D. ever to confirm ſo extraordinary an aſſertion, and differs ſo
entirely from the other evidence before the committee, as not
No. 4. to be entitled to any credit.

At Falmouth, he ſtates the treatment of the priſoners to
No. 5. have been negligent, and the bread made with bad corn,
mixed with chaff.—In conſequence of his complaint, Captain
Lane was ſent to inveſtigate the matter, and reported to the
No. 2. C. Board, that the contractor had ſometimes given bread of in-
No. 2. A. ferior quality, but never mixed with chaff.—That whenever
No. 1. a juſt complaint had been made, the articles were always re-
turned upon the contractor's hands, to his loſs.—In a caſe of
greater importance he had been proſecuted. As the agent or
his clerk was always preſent at the delivery of proviſions, and
the ſame regulation of a committee of inſpectors exiſted there
as well as at other priſons, there is no reaſon to ſuppoſe that
No. 5. the abuſe often took place. Your committee beg to obſerve,
that the Falmouth priſons being thought to be too far from
the ſuperintendence of the Tranſport Board, the priſoners
No. 4. were removed from thence about the end of the year 1797.

Mr. Charretié then went to Stapleton priſon, near Briſtol,
No. 2. D. where he heard other complaints, which, upon inveſtigation,
proved to be but trifling quarrels, and were ſoon ſettled by a
No. 5. commiſſioner ſent down there.

It is worthy of remark, that in the whole courſe of the war,
the complaints which have been made have proceeded from
the French priſoners alone; neither the Dutch nor Spaniſh
priſoners, who were ſubject preciſely to the ſame regulations,
having ever ſhewn the leaſt diſcontent at the mode of treat-
ment.

No. 46. About Auguſt 1797, the Tranſport Board again propoſed to
No. 47, Mr. Charretié, that each nation ſhould clothe its own country-
men, and afterwards requeſted that a ſum of money, which
had been remitted from France, might be appropriated to ſup-
No. 49. plying the French priſoners with clothes, of which they were
50. much in need. The Board even offered to ſupply them at
51. the contract prices, for his bills upon Hamburgh, or any neu-
tral town.—Their offer was declined on account of ſome ob-
jections in the colour and quality of the articles.

On the 4th of September a revolution in France took place,
and ſince that period it ſeems to have been the object of the
French government to irritate the minds of their countrymen
againſt Great Britain, by miſrepreſentations of the treatment
which the priſoners underwent in this country. A paragraph
appeared in The Poſtillion de Calais of October 16, giving a
falſe account of the ſituation of the priſoners in Porcheſter
Caſtle: this was contradicted by the agent at that place, as
No. 57. well as by a certificate from the Engliſh and French ſurgeons
employed there; and Mr. Charretié himſelf, being called
upon by the Tranſport Board to refute this calumny, acknow-
ledged the falſehood and impropriety of the paragraph.

Mr. Charrotié, however, appears to have wished to second these views of the French government; for in November he wrote to the Commission of Exchange at Paris, stating, that No. 62. at Norman Cross prison, out of nine thousand prisoners confined there, three thousand were sick for want of clothes and other necessaries. This representation produced a strong effect in the public mind in France against this country; but upon the British agent enquiring into the truth of the statement, Mr. Charretié was induced to contradict his own assertion. No. 67. — From the evidence of Captain George, first Commissioner of the Transport Board, No 5. and the certificates of the surgeons at Norman Cross, 63. it appears that the prison at that place was 64. not capable of containing even six thousand prisoners; 65. that there were at that time about five thousand two hundred; and that the sick then amounted to one hundred and ninety-four, including twenty-four nurses, and never had amounted to above two hundred and sixty. It must be observed, that Mr. Charretié had the means of knowing all this, and that previous to sending this account to France, he did not apply to the Board on the subject, though he was actually in London at the time. He acknowledged that he No. 5. was furnished with a list of persons confined at each prison, whenever he required it, so that he might easily have ascertained No. 4. the falsehood of his assertion.

Your committee see, with much concern, the newspapers of this country lending themselves to the views of the enemy. They must recal the attention of the House to the paragraph which appeared in the Courier of January 20th, relative to the treatment of the prisoners at Liverpool, which produced an investigation by the Mayor and Magistrates of that town, and a report, in the highest degree satisfactory to the feelings of the persons concerned. It was with the same object of irritating the French against this nation, that papers were No. 8. stuck up in different towns of France, as appears in evidence before your committee, asserting that the prisoners in England were fed with dead cats and dogs; and that when a person at Nantes, who was lately returned from imprisonment in England, contradicted this account, he was ordered to hold his tongue, and not dispute the assertion of his government.

The British government, being aware of the misrepresentations No. 52. and groundless calumnies concerning the treatment of No. 52. A. French prisoners in England, which were industriously propagated in France; and having received the most afflicting accounts of the accumulated hardships and sufferings of its own countrymen in the French prisons; taking also into consideration the circumstances of Mr. Charretie being allowed, without restraint, to visit the principal depôts of prisoners in England, while Mr. Swinburne, so far from having access to his own countrymen in France, was actually confined to one small town; seeing no end also to the evasive conduct of the French government in respect to the exchange of Sir Sidney Smith, was induced, in October 1797, to make to the French government a proposal, well calculated, in the opinion of

your committee, for remedying all the above evils; viz. That in future each nation ſhould take upon itſelf the care of clothing, victualling, and providing medical attendance for the priſoners of its own country: this, it was added, would prevent the poſſibility of any ſuſpicion of ill treatment on either ſide. It was further ſignified, that if the French returned no anſwer to the propoſal, and perſiſted in their mode of treatment of Sir Sidney Smith (as will be explained in the third head of this report) his majeſty would feel himſelf under the diſagreeable neceſſity of reducing the allowance hitherto granted to all French priſoners (which was equal to that of Britiſh ſoldiers) to the limits ſtrictly neceſſary for their ſubſiſtence; even that, it was ſtated, would be preferable to what too many of his ſubjects had in the priſons of France.

No. 58. No anſwer was given to this humane propoſal: A ſecond
59. application was therefore made to the French Government; but that being alſo attended with no effect, on the 1ſt of December the rations of proviſions of the French priſoners were reduced. The daily allowance was one pound of bread, half a pound of beef, one quarter of a pound of peaſe, one third of an ounce of ſalt. When greens were iſſued in lieu of peaſe, half a pound of cabbage, fit for boiling, was allowed for each man.

This ſeverity ſeems to have produced a good effect; for the French government were at laſt induced to accept the propoſal, and Mr. Gallois, who came to England ſoon afterwards as ſucceſſor to Mr. Charretié, was accompanied by Mr.
No. 77. Nettement, to whoſe ſpecial care the ſuperintendence of the priſoners was entruſted, the expence being defrayed by France. It appears from evidence, that the ſame ſub-agents
No. 5. are employed (except in one inſtance), and in general the ſame contractors who had been employed under the management of the Britiſh government. The daily allowance of proviſions at preſent is one quart of beer, twenty-ſix ounces of bread, eight ounces of beef, two ounces of cheeſe, or one ounce and one third of good ſalt butter, one third of an ounce of ſalt, half a pint of peaſe, or half a pound of vegetables: each priſoner is allowed monthly half a pound of white ſoap, and three quarters of a pound of tobacco in the leaf.

It is but juſtice to the commiſſioners of the Tranſport Board to ſay, that they have ſhewn every diſpoſition to co-operate in alleviating the condition of the priſoners, and that
No. 47. ſince this new arrangement has taken place, they have allow-
No. 81. ed Mr. Nettement the uſe of the bedding and clothes at the ſeveral priſons, and they have rendered him every aſſiſtance in the execution of his office.

In entering upon the ſecond head of their enquiry, namely, The treatment of Britiſh priſoners of war in France, your committee feel themſelves under difficulties which may render this part of their report leſs ſatisfactory than what they have before ſtated.

Theſe difficulties ariſe, firſt, From the obſtacles which the French government has always interpoſed to prevent the Bri-

tiſh

tish agent from visiting the prisons, and which of course have No. 41.
prevented him from obtaining information on the subject of No. 75.
the treatment of the prisoners so accurately as might be wish- 75. A.
ed. Secondly, from the reluctance which, from personal motives, some of the evidence examined by your committee have shewn to have their names brought forward: And, Thirdly, from the very delicate situation of those actually in captivity, from whom alone the most perfect testimony could have been derived, and who, if they remained unexchanged, must expect to have their sufferings increased in consequence of any complaints which they might prefer, or to have them relieved upon terms incompatible with their feelings as British subjects.

But even with these imperfect means of information, your committee are convinced, that sufficient will appear to prove the rigour with which their countrymen have been treated, and the uniform spirit by which the French government has been actuated, contrary to the practice of the civilized nations of Europe in every former war. If your committee were to extend their enquiries so far back as the time of Robespierre, they could bring forward evidence of atrocities of a most shocking nature, such as the poisoning of the
water of prison wells, by which many lives were sacrificed, No. 10.
and other similar enormities; but as the transactions of that period are but too well known, it will be sufficient to relate what appears to have been the conduct of the French towards their prisoners since their government has taken a more re-
gular form. In November 1796, Mr. Swinburne was ap- No. 26.
pointed agent at Paris for the relief of prisoners: He signified to the French government, that his instructions were to visit all the prisons, and administer relief to such prisoners as were in need; and although, he added, that this indulgence was allowed in the fullest extent to the French agent in
England, yet this application seems to have been totally dis- No. 35.
regarded or evaded, so as to preclude him from the means of No. 41.
obtaining any personal knowledge of their situation and cir-
cumstances. How far the language of condescension which No. 45.
Mr. Swinburne used in these circumstance, might contribute to increase the haughtiness of the French government, your committee do not presume to determine; but they feel it a matter of deep regret, that a conduct was not held during that period, of which the enemy could have taken less advantage. The first paper relative to the treatment of prisoners
before the committee, is a letter from a merchant at Dunkirk No. 30.
to Mr. Swinburne, giving a melancholy account of the persons imprisoned at Air; he states, that forty sick were pent up in a small room with the prisoners in health, without permission to enjoy the benefit of the fresh air, and that numbers died daily from the filth and stinch. From subsequent papers and documents, it appears that the treatment of British pri-
soners in most of the prisons was bad. At Dunkirk few No. 53. A.
blankets could be obtained for them, and at Amiens none at
all.—At the latter place the British agent found it necessary to 31.
order

order bedsteads of rough planks, raised from the ground, to protect the prisoners from the damp, and the expence of which was defrayed by the British government. At Ponta-
No. 37. nezan prison, near Brest, sixty masters of merchant ships and passengers were confined with about nine hundred seamen; they were not allowed to go into the open yard, and their confinement was aggravated by the brutal behaviour of the commissary, and by a want of provisions and necessaries.

No. 42.
43. A declaration, signed by three respectable persons, confined for four months, in the beginning of 1797, in Pontanezan prison, states the daily allowance from 10th January to have been sixteen ounces of buiscuit, of a bad quality, full of vermin and mouldy, two ounces of rotten salt beef or pork. —(This allowance ought to have been two pounds and a half, but a mess for seven persons has been known to be only fifteen ounces, and of that nearly half bone). Their pease-soup consisted of hot water with a few horse-pease. From February 20th, in lieu of sixteen ounces of biscuit, about four ounces of rice were delivered out, together with ten ounces of black bread, and during that time many were ill and some died, which was attributed to the copper vessels, in which the rice was boiled, not having been properly cleaned. From February 1st, in lieu of salt meat fresh meat was allowed, which was nothing but carrion.—The soup was made with the meat before it was given out.—No vegetables of any description were delivered out to the prisoners, and during the above period of four months, at least two hundred persons died, chiefly of the scurvy, arising from the badness of the provisions. From nine hundred to a thousand were confined in a room thirty feet wide, and from three to four hundred feet long; one hundred daily were allowed to go
No. 9. into the open air. Accounts of similar treatment have been repeatedly received.

Remonstrances were made to the commission of exchange on the scanty allowance of provisions; and the agent was an-
No 44. swered, that "If the situation of the finances of the republic "did not admit of the prisoners receiving the whole of what "the law allowed them, it was not less true, that they expe- "rienced in that respect the benefits of the solicitude of go- "vernment."

This evasive language affords strong ground to suspect that the distressed situation of the British prisoners was not without an object on the part of the French government; and this suspicion is confirmed by its appearing, from evidence delivered in to your committee, that every effort was made to
No. 8. induce the British seamen to go on-board the French fleet,
No. 10. particularly at the time of the expedition against Ireland.
No. 72. The provisions allowed were purposely bad and scanty, the confinement rigorous; and during this state of suffering, the
No. 5. passions of the men were inflamed, by being told that their own country had given them all up for the sake of one man (Sir Sidney Smith) and that till he should be liberated, the British Government would not consent to an exchange of prisoners.

priſoners. All efforts were uſed to inveigle them; they were
frequently threatened to be ſtarved, and at other times, li-
quor was given to them, and advantage was taken of them
when in a ſtate of intoxication.

When the combined force of all theſe various temptations
and incitements is fairly conſidered, it cannot be matter of
wonder, that the conſtancy and courage even of Britiſh ſea-
men ſhould have ſometimes yielded. Many were induced to
enter into the French ſervice, under the hope and promiſe of
being landed in Ireland; and ſeveral applied to their own
officers (priſoners with them) for leave to enter, but were No. 10.
refuſed. Three or four hundred were debauched into the 72.
ſcheme, under the expectation of being ſent home for ex-
change.

It might perhaps be imagined, that this arbitrary and un-
principled meaſure had ariſen from the neceſſity of the mo-
ment, and the want of ſeamen in the French navy, had it not
appeared that it is a part of the ſyſtem of France to force
ſubjects to ſerve againſt their own countries. And here your
committee cannot forebear referring to the inſtructions given
by General Hoche to Colonel Tate, previous to his landing No. 90. A.
on the coaſt of Wales, in the beginning of 1797 (and which
were found on his perſon) as tending to explain the conduct
of the French towards their priſoners. Colonel Tate was
ordered to encourage all deſerters and priſoners to enter into
the new companies (which were to be commanded by French
officers); "ſhould ſuch priſoners refuſe, he will ſhave their
"heads and eyebrows, and if they are taken again in arms,
"they are to be ſhot."

The ſyſtem of ill treating and of oppreſſing priſoners, was
not confined excluſively to the Engliſh who were in the priſons
of Pontanezan, Nantes, and elſewhere, but was extended to
the officers who were on parole in the interior parts of the
country. On their march from the ſea ports, they were not No. 10.
obliged to pay their own expences, but were alſo under the No. 6.
neceſſity of defraying the expences of the guards who had No. 7.
the care of them.

In October the French ſtopped the allowance of clothing No. 56.
to the Britiſh priſoners, and about that time Captain Cotes No. 56. A.
ſucceeded Mr. Swinburne at Paris, with orders to viſit all the 60.
depôts of priſoners in France. An arreté of the directory
declared that he ſhould be allowed, in the diſcharge of his 61. A.
duties, all the accommodations and facilities which the French
commiſſary ſhould receive in London; notwithſtanding this, 71.
when he applied for a paſſport to go to Pontanezan, he was 67.
informed that it would be perfectly unneceſſary, as the pri- 74. A.
ſoners had orders to remove to the depôts provided for them 75.
by the new arrangement; theſe he underſtood were to be 75. A.
near Paris, though he could get no ſatisfactory anſwer to his 80.
queſtion on that ſubject: in the mean time the priſoners were 72.
labouring under heavy difficulties.—It appears that they were 70.
at the mercy of the French agents (and, among other hard- 66.
ſhips) when their proviſions were delivered out to them, the 10.

liver, lights, jaws, and part of the horn, and even the offals of bullocks, were included in their allowance.

No. 68. On the 1ſt February 1798, the new agreement took place,
by which each government was to maintain its own country-
men. A ſcheme of victualling was ſent by the Tranſport
Board to Captain Cotes, by which the daily allowance to each
perſon was one quart of beer, one pound and a half of bread,
three quarters of a pound of beef (except on Saturday,
when four ounces of butter, or ſix of cheeſe, were given in
lieu) one-third of an ounce of ſalt; four times a week half a
pint of peaſe, or one pound of greens, prepared for boiling;
each priſoner was allowed two ounces of ſoap per week. If
good beer was not to be had, a quart of ſound cyder or a pint
of wine was given in lieu. The meat was to be delivered to
the priſoners in clean quarters, hind and fore alternately.
No. 34. B. Beſides this allowance, the former one in money was conti-
No. 76. nued. All Britiſh officers in the ſea or land ſervice, on parole,
or in priſon, were to be paid eighteen pence per diem in lieu
of ration of proviſions; and all other ranks entitled to parole,
nine pence per diem, if they ſhould prefer ſuch allowance to
the rations.

Captain Cotes, after much delay, learnt that the priſoners
73. were to be confined at Amiens, Fontainebleau, Beauvais, and
Melun, but he was poſitively refuſed permiſſion to viſit them
till they were removed to thoſe depôts; he was alſo refuſed
75. information of the probable time of their arrival, before
75. A. which he was not to enter upon his functions. It was pro-
80. miſed, on the 6th January, that the removal ſhould take
place ſoon, but on the 9th February no ſteps had been taken
to that effect, nor was it till the 5th or 6th of March that the
priſoners left Pontanezan priſon on their way to Melun.

It appears, from the moſt authentic documents, that they were ill able to undertake a march on foot of near five hundred miles, and that their ill treatment during the latter period of their captivity, has equalled what they at firſt ſuffered. Officers of rank and common ſoldiers were all confined together; their daily allowance about two ounces of pork, and ſometimes that quantity of ſalt fiſh of a bad quality, and their bread was full of bran and ſtraw; and from the ſcarcity of food, and the want of medicines, numbers died daily.

The ſick and dying were frequently robbed of their clothes
by the attendants of the hoſpital; and it is hardly neceſſary
to add, that whenever priſoners were landed, they were im-
No. 10. mediately plundered of their money, clothes, and valu-
ables.

Theſe details are ſhocking to humanity; but your committee think it their duty to lay them before the houſe, as coming within the limits of their enquiry; truſting that the care and attention of the Britiſh agent has by this time alleviated the ſufferings of the priſoners.

Your committee cannot conclude this part of the ſubject, without expreſſing their opinion of the great and important advantage, ariſing to both countries, from the newly adopted

ſyſtem of providing for the priſoners of each at the expence of their own governments. It appears to be a meaſure in the higheſt degree calculated to obviate all miſrepreſentation, complaints, and recriminations, and to prevent any increaſe of animoſity between two nations whoſe minds are ſufficiently inflamed againſt each other.

The third and laſt head of this enquiry, viz. The ſteps taken by the Britiſh government for the eſtabliſhment of a cartel of exchange, with the proceedings in both countries reſpecting Sir Sidney Smith, and of priſoners on parole, contains much matter which is nearly connected with the two former. Your committee however have endeavoured, for the ſake of clearneſs, to keep it as a ſeparate part of their enquiry, though they will be obliged, in ſome inſtances, to refer to what they have before ſtated; they wiſh to give a conciſe account of facts, without turning the attention of the houſe too much to the variable and fluctuating ſentiments of the government of France, which have interpoſed difficulties in the way of a mutual exchange of priſoners.

In May 1793, when the commiſſioners for ſick and wounded No. 1.
ſeamen had the care of priſoners, all officers of the uſual rank,
both in the French and merchants' ſervice, were admitted to No. 2. E.
parole upon the ſame allowance as during the laſt war, viz. one ſhilling per diem to commiſſioned officers, and ſix-pence to inferior officers; this was doubled when they were ſick.—In May 1794, it was increaſed to eighteen pence and nine pence.

In 1794, after the ſucceſs of the Britiſh forces in the Weſt No. 91.
Indies, ſeveral hired tranſports, chartered by the Navy Board, were ordered by Admiral Sir John Jervis, as cartels to convey French priſoners of war to St. Maloe's in France, where, upon their arrival, they were ſeized by the French, and the crews made priſoners of war.

Notwithſtanding the little encouragement which this violent proceeding held out for promoting a cartel, in March 1795, Sir Frederic Eden was ſent to France to propoſe an exchange of priſoners, upon the known and cuſtomary principle, which had been adopted between the two countries in 1780, viz. man for man, and rank for rank, or for an equivalent in men or money. The propoſal was referred to the commiſſioners of public ſafety, and rejected, on the ground of the advantage which a reſtoration of priſoners would give to Great Britain, which was (as they ſaid) evidently in want of ſoldiers and ſailors, while France, which carried on the war with the maſs of the people, had more forces than were neceſſary to complete the conqueſt of all her enemies.

Nothing particular appears to have occurred on this ſubject
till January 1796, when the Tranſport Board undertook the No. 2.
management of cartels. Complaints were made by the maſ- No. 11.
ters of cartel ſhips, of their boats being taken away from them by the French guardſhips, and of the ſhips being ſent back immediately, empty, without regard to wind or weather.—
Soon afterwards, Mr. Charretié entered upon his functions as No. 12.

 before-

before-mentioned, and announced himſelf by a propoſal to the
Britiſh government, that all priſoners of both nations ſhould
return to their reſpective countries, and that the regulation
of the exchange ſhould be deferred till the return of peace. This
No. 13. prepoſterous and unprecedented propoſal was of courſe deci-
dedly refuſed, as a balance of more than five thouſand men
was due to Great Britain upon the exchanges which had al-
14. ready taken place. Mr. Charretié promiſed that the French
Government ſhould keep the balance down as much as poſſi-
15. ble, but ſtill adhered to the propoſition of a general and im-
mediate releaſe (as before ſtated) without regard to numbers.

On the 18th of April 1796, captain Sir Sidney Smith was
taken priſoner, while endeavouring to cut a veſſel out of the
mouth of the Seine, before Havre. The neceſſary meaſures
appear to have been taken for effectuating his exchange for
No. 16. an officer of equal rank, and at the ſame time the French
17.A. agent was informed, that if Sir Sidney Smith and his officers
17. were releaſed, any French priſoners of the ſame rank, who
might be pointed out by the French government, would be
exchanged for them; Captain Bergeret, of the Verginie
frigate, was likewiſe allowed to go to France for that pur-
18. poſe; but he found, that though at firſt Sir Sidney Smith was
regarded by the French government as a priſoner of war
taken in arms, yet that it was afterwards thought proper to
conſider him in another light.

This event ſeems to have given a new turn to the negotia-
N°.17, 20. tion on the ſubject of cartel, one ſide claiming his releaſe on
20.A. the principle of the law of nations, the other wiſhing to de-
27. tain him upon a diſtinction which they have never thought fit
29. fairly to define; he was conveyed to Paris, and kept in cloſe
No. 24. confinement, nobody being allowed acceſs to him; even the
28. Swediſh miniſter met with a refuſal, when he applied for leave
29. to viſit him. All remonſtrance on our part was diſregarded,
33. and all application for his releaſe on parole ineffectual; and
35. the care of him was transferred ſometimes to the miniſter of
17.A. juſtice, and ſometimes to the miniſter of marine, it ſeeming
18.33.38. never to be perfectly determined in what light he ſhould be
conſidered.

No. 19. In the mean time Mr. Charretié perſiſted in the plan of a
full exchange, and endeavoured to throw the blame of delay
21. on the Britiſh government, for adhering ſo ſtrictly to a prin-
22. ciple of exchange which was to include Sir Sidney Smith.—
23. He delivered a projet, which was in great part approved;
26. and in order to facilitate the meaſure of a cartel, and to re-
27. move all difficulties, Mr. Swinburne was ſent to France in the
29. ſame character and capacity as Mr. Charretié had been, but
38. his miſſion does not ſeem to have had the deſired effect.

No. 24. Five months having elapſed ſince Sir Sidney Smith's cap-
tivity, and there being no appearance of the French relaxing
25. in their ſeverity, they were informed (through Mr. Charretié)
in September, that unleſs he ſhould be permitted to enjoy the
privileges uſually granted to priſoners of his rank, all the
French parole priſoners in England ſhould be ordered into

ſtrict confinement. Various attempts were made by the British No.28.69.
government to bring about an exchange of priſoners, and the 34.
moſt liberal offers were made for that purpoſe, but without 34. A.
effect.

In February 1797, Mr. Swinburne ſigned a preliminary No.36.
convention, in which Sir Sidney Smith was not actually 36. A.
mentioned. He agreed to the propoſals of the French go- 36. B.
vernment in every reſpect, except that which declared, that
all the priſoners in poſſeſſion of the power having the greateſt
number ſhould be immediately releaſed, and alſo, that which
related to the perſons baniſhed from the colonies; both which
ſubjects being left by him *ad referendum*, were conſidered in- 40.
admiſſable by the British government, and the convention
was never conſidered in this country as ratified.

In order, however, to meet as much as poſſible the views No. 40.
of the French government, as expreſſed in thoſe two articles,
Mr. Swinburne was directed to propoſe a ſtipulation, that
the power poſſeſſing the greateſt number of priſoners ſhould
releaſe one thouſand over and above the balance of exchange,
and that if this ſhould be conſented to, and if Sir Sidney
Smith ſhould be included in a plan for general exchange,
that a treaty ſhould be immediately entered into.

In the beginning of April Mr. Swinburne was ordered to No. 40.
Fontainbleau, by a decree of the Executive Directory, which 41 Inclo-
ſtated, "That the preliminary convention left nothing to be ſure.
"done but the meaſures required for the execution of it;
"and that this circumſtance rendered the preſence of the
"commiſſary unneceſſary at Paris."

The reſolution of the British government was not made
known to the Executive Directory till 15th Auguſt, and on No.48.A.
the 28th they decreed "That Sir Sidney Smith ſhould be
conſidered as a priſoner of war, and as ſuch ſuſceptible of
exchange, and might be exchanged againſt a French officer of
equal rank; but that the exchange was not to take place till
the British government ſhould not only ratify the article in
the preliminary convention, which had been before ob-
jected to, but ſhould, in conſequence, ſend back to France at
leaſt 4,000 French priſoners above the number that might be
exchanged by the return to this country of all the British pri-
ſoners then in France; and that this advance of four thouſand
men ſhould not be accounted for till a peace ſhould take
place.

This propoſal was eagerly embraced by Mr. Swinburne, No. 48.
but of courſe rejected by this country; before, however, the 53.
refuſal was known, the Directory took a ſtep which left no
doubt of their intentions, for they paſſed another decree, allow-
ing indeed Sir S. Smith to write to the British agent, but de- 54.
claring he ſhould not be at parole till the ſtipulations of the
preceeding decree were ratified, and that he ſhould not be
ſent to England till all the four thouſand men had returned to
France.

In anſwer to the ſtipulations contained in the two above- No. 52.
mentioned decrees, it was again propoſed to the French go- 52. A.
vernment

No. 55. vernment to eſtabliſh a general cartel on the liberal terms
which had been before offered, and they were diſtinctly in-
formed that his majeſty would on no account agree to exceed
the number therein offered of one thouſand in advance upon
the general balance of exchange; in caſe of a refuſal a poſi-
58. tive demand of parole was made for Sir Sidney Smith; they
59. were at the ſame time aſſured, that unleſs a favourable an-
ſwer was received before the 25th of November, the threat
which had ſo long been hung out would be put into execu-
tion, and on that day all the French officers on parole in
60. England would be put into cloſe confinement; this accord-
68. ingly took place; and the French government having ſhewed
68 A. no diſpoſition to relax in their treatment of Sir Sidney Smith,
70. it remains ſo at preſent. A ſhort time previous to this, the
61. recal of Mr. Swinburne had been announced, and Captain
8. Cotes had been appointed in his room. In one of the firſt
60. interviews with the commiſſioners of exchange, it is curious
66. to obſerve, that they inſiſted upon the balance againſt France
88. (of ſeven thouſand and nineteen men, to January 1ſt, 1797)
being done away by the convention of Mr. Swinburne,
though that convention had never been ratified by the Britiſh
government.

Notwithſtanding the repeated refuſals of the Britiſh go-
vernment to accede to the extravagant demands of France,
No. 74. yet it appears that another attempt was to be made. A pro-
74. B. poſition for a general and immediate exchange was made by
78. the French government to Captain Cotes; and Mr. Gallois,
78. A. who came over to England as ſucceſſor to Mr. Charretié,
79. repeated the application on the ſame terms as had been re-
82. peatedly rejected. As he did not appear to be authorized by
the Directory to treat on any other terms, and as he had
83. nothing to do with the care of the priſoners (another agent
having been appointed for that ſpecial purpoſe) his preſence
in this country was deemed unneceſſary by the Britiſh go-
vernment, and till he ſhould receive an anſwer from France,
84. he was ordered to reſide at the diſtance of ten miles from
83. London. He immediately applied for a paſſport, and re-
86. turned to France.

Such is the preſent ſtate of the negotiation with France on
the ſubject of a cartel. Your committee muſt obſerve, that
after the ſigning the preliminary convention of 17th February.
1797, the French began to fit out cartel ſhips for carrying
priſoners to and from this country; and in the ſummer of
1797 many Britiſh priſoners returned from France, in ex-
change for whom Mr. Charretié was indulged with permiſſion
to embark ſuch French priſoners as he thought proper to ſe-
lect; but he having abuſed this permiſſion, it was neceſſarily
54. diſcontinued about the month of Auguſt, and the French have
55. ſince claimed it as a matter of right; the reſult of the ſeve-
ral exchanges which have taken place ſince 1ſt January 1797,
either on Britiſh or French cartel ſhips, is, that a further
89. balance of two thouſand nine hundred and ninety-five men is
due to this country ſince that period; ſo that the total ba-
lance

lance in favour of Great Britain, ſince the commencement of the war, is no leſs than 10,014 men, including a very great proportion of officers.

Having gone through the different heads of their enquiry, your committee have come to the following reſolutions:

Reſolved,

That it is the opinion of this committee, That the charge of cruelty towards French priſoners of war, which has been brought againſt this country,* is utterly void of foundation; and appears to have been fabricated, and induſtriouſly ſupported by the enemy, for the double purpoſe of juſtifying their own ill treatment of Britiſh priſoners, and of irritating the minds of their countrymen againſt this nation.

Reſolved,

That it is the opinion of this committee, That the Britiſh priſoners of war confined in France, have been treated with a degree of rigour and inhumanity unwarranted by the uſages of war among civilized nations.

Reſolved,

That it is the opinion of this committee, That the Britiſh government has always manifeſted a deſire of entering upon a cartel of exchange on the moſt fair and liberal terms; that it has even offered to accede to any which could be adopted, conſiſtently with what is due to individuals and to the nation; and that the obſtacles to a negotiation have ariſen from the extravagant and unprecedented demands of France; and from the refuſal, on our part, to abandon the cuſtomary and acknowledged principle of the law of nations, which has been groſsly violated in the perſon of Sir Sidney Smith.

APPENDIX.

No. 1.

Office for Sick and Wounded Seamen,
6th March 1798.

An Account of the proceedings of the Sick and Hurt Office, in respect to prisoners of war confined in different places in this kingdom; and also a statement of the daily and weekly allowances of provisions for each prisoner, and an Account of Rations issued daily by French agents to the sick French prisoners in this kingdom, since the 1st of February 1798.

IN order to furnish the information required as concisely, and at the same time as accurately as possible, it appears necessary to divide the subject into the following heads; viz.

Prisons,
Hospitals,
Provisions,
Clothing,
Prisoners on Parole,
Exchange of Prisoners,
Rations issued by French Agents.

PRISONS.

At the commencement of the war, several places, the property of the crown, formerly used for the confinement of prisoners of war, were again fitted for the reception of prisoners, and other places were hired from time to time as the service required.

It was customary in former wars, and has been so in the present, for each prisoner to be furnished with a hammock, a paillasse, a pillow, and coverlet. The paillasse and pillow are filled with straw, which is changed as often as occasion requires. The hammocks are suspended to posts, placed agreeably to the following directions:

Rooms 12 feet high, - - -	Three tiers.
8 feet 6 inches, - -	Two tiers.
All under, where men can be properly lodged,	One tier.

The hammock posts to be 8 feet distant.

The internal police of the prisons may be seen by the annexed copy of the instructions (No. 1, A.) which were given by the sick and hurt

Board

Board to the agents at the different prisons, and which continued in force till the 1st of January, 1796, when the care and custody of prisoners in health was transferred to the Transport Board.

Hospitals.

A certain proportion of each prison is set apart to be used as an hospital, and furnished with cradles, bedding, medicines, and all necessary utensils, in the same manner as the hospitals for the reception of his Majesty's seamen.

Ample medical assistance is allowed to prisoners, both from Englishmen, and from Surgeons, selected by the Sick and Hurt Board, from among the prisoners.

A copy of the instructions to the principal Surgeons, which were given during the time the whole management of prisoners of war remained with the Sick and Hurt Board, is annexed (No. 1. B.)

The Instructions which were given to the principal Surgeons at the different prisons, after the care and custody of prisoners of war in health had been transferred to the Transport Board, were the same as the above, varying only according to local circumstances.

Provisions.

The scheme of diet for French prisoners in health which was in use in the last war, was adopted in the present war, and continued without variation till the year 1795, when, on account of a temporary scarcity of fresh beef, in the month of May an order was given, that it should be withheld for two days in the week, and salted provisions supplied in lieu; and in the month of August of the same year, a further alteration took place, when, on account of the scarcity of bread, an order was given for stopping half a pound of bread from each prisoner daily, but that the actual quantity of food should be made up by means of additional pulse or vegetables.

The scheme of diet for the sick was also used in the last war, and has been used in the present war, as well in the hospital for prisoners as for British seamen, without variation, except in the addition of tea, sugar, fruit, and porter, which having been added to the diet for our sick seamen, was also added to that for prisoners.

The greatest care is taken to secure to the prisoners their full allowance of provisions; and when any complaints have been made which were deemed of sufficient consequence to require it, a visitation has been made by one of the Members of the Board, to make enquiry into such complaints on the spot.

A late contractor for furnishing bread to the prisoners in the neighbourhood of Falmouth, having been prosecuted by the Board for not supplying bread of the quality stipulated in his contract, was sentenced to be imprisoned in the common gaol of the county six months, to pay a fine of three hundred pounds, and to be imprisoned till such fine be paid.

Clothing.

Many of the prisoners being much distressed for want of clothing, and without the means of procuring it for themselves; orders were given in the month of October 1793, for each prisoner being supplied

with

with ſo much coarſe warm clothing, as would complete, with what remained ſerviceable of his own, the following proportion, viz.

One cap,	One jacket,
Two ſhirts,	One pair of trowſers,
Two pair of ſtockings,	One neck handkerchief.
One pair of ſhoes,	

Theſe ſupplies were continued from time to time as they became neceſſary, till December 1795.

Prisoners on Parole.

All priſoners, of whatever rank, were kept in priſon at the commencement of the war, but ſuch accommodation was afforded to officers, as the internal ſtructure of the different priſons would allow.—In the month of May 1793, officers of the following ranks were admitted to parole:

Rank	
Captains — — —	Of Men of War.
Lieutenants — — —	
Enſigns — — —	
Maſters — — —	
Pilots or Mates — —	
Guardes Marines — —	
Boatſwains — — —	
Gunners — — —	
Carpenters — — —	
Ecrivains — — —	
Surgeons — — —	
Do. Mates — — —	
Chaplains — — —	
Volunteers, Gentlemen of family —	
Captains — — —	Of Merchant Ships and Privateers.
Paſſengers of rank — —	
Second captains — —	
Chief of prizes — — —	
Two Lieutenants to be allowed for every hundred men — —	
Pilots — — —	
Surgeons — — —	
Chaplains — — —	
Clerks — — —	

The parole ſubſiſtence allowed was the ſame as during the laſt war, viz. One ſhilling per diem to commiſſion officers, and ſix pence per diem to inferior officers; theſe allowances were doubled when any priſoner was ſo ill as to require nurſing.

In the month of May 1794 the parole ſubſiſtence was increaſed to the following allowances: To commiſſioned officers one ſhilling and ſixpence per diem; inferior officers nine pence per diem; ſubject to the ſame addition as before, when any priſoner became ſo ill as to require nurſing.

Parole priſoners were attended and furniſhed with medicines when ſick, by perſons reſident on the ſpot, of whoſe abilities for the undertaking the ſick and hurt board were previouſly ſatisfied.

After the 1ſt of January 1796 the care of the ſick only remained with the Sick and Hurt Board, the other part of the charge having been transferred to the Tranſport Board.

EXCHANGE OF PRISONERS.

In the year 1795, Sir Frederick Morton Eden proceeded to France; under the inſtructions of the Sick and Hurt Board, for the purpoſe of negotiating a cartel for the exchange of priſoners between England and France; but this purpoſe was not effected.

RATIONS ISSUED BY FRENCH AGENTS.

The rations iſſued by the French agents to ſick French priſoners, are preciſely the ſame as when that ſervice was under the management of the commiſſioners for ſick and wounded ſeamen, as will appear by a tranſcript of the contract which has been entered into between Mr. John Vochez, a general contractor with the government of France, and Mr. Robert Harris, of Plymouth dock, for the care of the ſick French priſoners at that port; an atteſted copy of which contract has been ſent to the Sick and Wounded Office by Monſieur Nettement, the French agent.

R. Blair.
W. Gibbons.
Gil. Blane.

(No. 1. A.) Copy of the INSTRUCTIONS given by the Commiſſioners for Sick and Wounded Seamen, to the Agents at the different priſons.

By the Commiſſioners for taking care of Sick and Wounded Seamen, and for exchanging Priſoners of War.

INSTRUCTIONS to Agents for taking care of Priſoners of War.

1. You are to receive into your cuſtody all ſuch priſoners of war as ſhall be ſent to you by the commanders of his Majeſty's ſhips, or by any other of his Majeſty's ſubjects; and to tranſmit to this office, by the firſt poſt after any priſoners are received, a liſt of their names, quality, &c.

2. Such of the priſoners as are of qualities to be preſcribed by our orders, are to be admitted to parole, at the towns appointed for their reſidence, whither they are to go at their own expence; after engaging, by ſigning the uſual form, that they will obſerve the conditions on which they are admitted to that indulgence, and a certificate, to be ſigned by ourſelves, is to be given to each priſoner for his protection; and in order to prevent impoſition, with reſpect to the ranks of the priſoners, you are to apply to the captors of prizes to ſee each ſhip's rolle d'equipage, which are uſually ſigned by the commiſſaries of marine, at the ports to which the ſhips belong, and in which the qualities are inſerted; but if this cannot be had recourſe to, you are to get the beſt information in your power from the French captain, or other ſuperior officers. And when priſoners are ſent to the places of parole, you are to forward to the agents, where they are to reſide, liſts of their names and qualities, &c. letting the agent know when the priſoners left and this to prevent their remaining there, or

loitering

loitering on the road; and you are to apprise the prisoners, that such information will be given, and that if they make any avoidable delay in going whither they are ordered, they will be considered as having forfeited their title to the indulgence of parole; and all prisoners sent to parole are to be apprised, that if they break their parole, a list of their names will be sent to France; and if they are retaken, they will be sent to the common prison, and lose their turn of exchange.

3. You are to prepare a general entry book of all seamen prisoners, and a separate general entry book is to be kept of officers and soldiers of marching regiments.

4. You are to muster the prisoners thrice a week, and to cheque out of their provisions such as shall be absent, or refuse to answer to their call; and a muster is also to be made after every escape, or suspicion of it, to ascertain how many, and who of the prisoners may have got away. And as the prisoners are to be victualled in messes, if on any muster, or on their being told over by the turnkeys, it shall be discovered that any of them have escaped, and the prisoners of that mess knowing of it, have nevertheless received the full allowance of provisions without discovering such escape, the remainder of the mess are to be put on half allowance for ten days.

5. An account is to be sent to this office, by post, so as to arrive on Mondays, and the names of those who shall have died, escaped, or have been re-taken in the course of the week, are to be set off on the back of it, distinguishing the respective times when; and a list of the men exchanged, or discharged within the same time, is to accompany this account.

6. The prisoners are to be victualled according to the scheme of diet,* and the provisions are to be inspected by yourself every morning; and no more of any article, except beer, is to be demanded, than is sufficient for the supply of the day; and notes are to be given to the respective contractors every night, of the quantities of each article to be delivered the next day. The beer may be received in such quantities as will not endanger it's becoming sour; but this is to be done at the risk of the contractors, and to be returned if sour, or otherwise unfit to be issued, of which he is to be apprized. The notes for the provisions are to be regulated by the number of prisoners actually in custody; to ascertain which, on days when they are not mustered, (as the turnkeys are to tell over the prisoners every evening, and to give a report of the number in writing into your office) the said notes, which are to be checked by comparing the number with that of the preceding day, and making allowances for the alterations which have happened of discharges, &c. may on those days be regulated by the turnkeys' reports. A daily abstract of the number of prisoners, and of the provisions demanded and issued, is to be kept, and a copy is to be transmitted hither, with the turnkeys' notes, at the end of each month. A book is to be kept of the provisions daily received; and, upon muster-days, comparison is to be made of the number found on mustering, with the last reports of the turnkeys, that if it shall appear any errors have been made, or the escapes of any prisoners are discovered, the proper steps may be taken to set the former right, and to trace out the actual time of every prisoner's escape, to the end that the regulations

* See the Report, page 4.

in the 4th article may be put in practice. The ſtipulations, which will be in the contracts, reſpecting the refuſal of proviſions, if not judged to be agreeable to contract, are to be ſtrictly obſerved.

7. Trial is to be made for a week of the quantities of coals neceſſary to be daily iſſued for each copper uſed for boiling the proviſions; the fire to be immediately drawn out when the meat, greens, or peaſe, ſhall have been dreſſed, and the coppers cleaned; the remaining fuel is to be reſerved for the next day; and the neceſſary daily allowance of coals being fixed, the iſſues are to be made conformably, till an alteration becomes neceſſary, when, as the number of priſoners increaſe or decreaſe, regard is to be had to proportion the quantities of firing for the coppers accordingly, and the reaſon for it is to be given in the monthly account of coals: and although the variation of a few priſoners may not admit of a decreaſe of fuel, an attention is to be had at other times, when ſuch decreaſe is more conſiderable. A monthly account of coals thus iſſued, as alſo of candles, is to be kept, and a copy to be tranſmitted hither; and when the coals are nearly expended, the quantity remaining in ſtore is to be meaſured, and compared with the accounts kept of the iſſues, and the difference, if any, reported to us.

8. The priſoners are to be ſupplied with meſs bowls, platters, canns, and wooden ſpoons; and if either of theſe articles are loſt, or wilfully damaged, others are to be furniſhed, and the amount made good to the Crown, by putting the parties who loſt or deſtroyed them on half allowance of proviſions.

9. You are to take care to prevent the introducing of ſpirituous liquors to the priſoners, that ſo good order may be more eaſily preſerved among them; but you are not only to permit their being ſupplied with any neceſſaries they have occaſion for, and have money to purchaſe, but to ſee that they be not impoſed upon in the rates thereof. And if money be remitted to them, you are to diſtribute it in ſuch proportions, and at ſuch diſtance of time, to the people who have a right to it, as that they may not have a ſufficiency at once to bribe a centinel, or any body elſe, to aſſiſt in or connive at their eſcape.

10. The proviſions are to be dreſſed by priſoners to be appointed by you for that buſineſs, and who will be allowed three-pence a man a day in money; and the number of cooks is to be proportioned to the quantities of proviſions to be dreſſed; which is to be reported to us from time to time as increaſed, with the reaſons for it. One ounce of ſalt to every three men is to be allowed daily.

11. The ſurgeon will be directed to viſit the priſon every day, that ſuch of the priſoners as may in his judgement be fit objects, may be removed to the hoſpital, who are there to be victualled agreeable to one or other of the ſchemes of diet, as the ſurgeon may direct; for your guidance in doing this, the numbers to be victualled on the reſpective diets every day, will be put down in diet books, to be kept by the ſurgeon, by which you are therefore to govern yourſelf. A certificate is to be given to the ſurgeon with every priſoner he ſhall judge to be a fit object of the hoſpital; and he will be directed to give a certificate on the return of each priſoner from the hoſpital to the priſon; and you are to note on the quarter book, hereafter directed to be kept, the times of each man going to and returning from the hoſ-

pital.

pital. A victualling book for the sick is to be kept, and a copy to be transmitted hither at the end of each month.

12. When any prisoner is sent to the hospital, the prison bed and bedding in which he lay, after having been well aired, fumigated, and made clean, if necessary, is to be laid up in a proper store, but not where new bedding is kept, and not to be used again till the prisoner shall be returned cured from the sick apartments, when the whole is to be delivered to him.

13. The prisoners while in the hospital will be allowed shirts, and hospital dresses will be provided for those who are ill with infectious disorders; but the supplying these two last articles is left to the discretion of the surgeon. The sheets are to be shifted every fourteen days, and the body linen every fourth day, or oftener, if thought necessary by the surgeon.

14. As a steward will be appointed for the hospital, he is to be charged by you in form with all the hospital stores; and you are every week to examine his accounts of the expence of the articles daily expended, as well to ascertain whether any undue issues have been made, as to regulate the future supplies.

15 Nurses will also be allowed, who are to be prisoners, willing and proper to undertake that duty, and who will be allowed three-pence a man a day in money. The surgeon will from time to time give certificates when nurses are to be entered or discharged, which are to serve as vouchers, to justify the above extra expence. The nurses are to be victualled on the full diet of the hospital. And one or more washermen, who are also to be prisoners, are to be employed to wash the linen, and they will be allowed six-pence a day for their labour on such days as they are employed. The quantity of soap to be delivered to them to be proportioned by the steward, under your direction, to the linen delivered to them. The washermen are to be victualled as the other prisoners in health.

16. Monthly household accounts are to be kept, as well for the hospital as for the prison, in the forms which will be delivered to you, which, with the respective vouchers to them, are to be transmitted to this office as soon after the expiration of each month as possible: in these houshold accounts are to be inserted the contingent disbursements made for each service; and one affidavit to the truth of both accounts is to accompany them, with an account current; and a list of the surgeons and servants on daily pay is also to be transmitted monthly.

17 As no contingent disbursements are to be made by you, except such as the exigencies of the service shall absolutely require, and our special order is first to be had to warrant any such charge, unless when particular circumstances will not admit of it, you are to govern yourself accordingly; and if necessity should occasion any disbursements to be made before our order can be had, you are immediately to apprize us of it; and the dates of our orders or approvals are to be noted against the respective articles.

18. You are, at the end of each quarter, viz. the 31st of March, the 30th of June, the 30th of September, and the 31st of December, to send us a complete book of all the prisoners' names who have been in your custody at any time during the quarter each book is for, with the times of entry, exchange, discharge, death, or escape, times of going to and returning from the hospital, with an affidavit; which books, with

with the surgeon's certificates of men returned from the hospital to the prison, are to be transmitted to this office; and like quarterly books, with like vouchers, are to be transmitted for soldiers of regiments; and an affidavit is to accompany each of them.

19. An account of all stores is to be kept, and an abstract is to be transmitted to us at the end of every quarter.

20. As any stores become unserviceable, they are to be put in a store room by themselves; and when the quantity is either so considerable as to render a survey necessary, or it becomes proper, for any other reason, that they should be disposed of, you are to represent it to us, that we may give directions for a survey to be had of such stores; and when a report has been made of such a survey, orders will be given for the disposal of what may have been condemned; and in all such cases you are to point out to us what use can be made of these stores, particularly whether some may be used in mending others, that we may give directions for this to be done, and for the remainder to be sold.

21. As the prisoners are to have a military guard, if you should at any time observe or be informed of any neglect in the centinels, you are to acquaint the commanding officer therewith, in order to their being punished for it according to their demerit.

22. The coals and candles for the guard, agent's office, and for the turnkeys, &c. are to be issued agreeable to the regulations. The coals are to be delivered daily at a stated hour by a clerk, and are to be kept under lock and key, and the key to be brought to the agent after every day's delivery.

23. You are to cause to be hung up, in the most conspicuous parts of the prison, the regulations which you will be furnished with, shewing as well what provisions the prisoners are entitled to, as the behaviour expected on their part; and you are to see that they comply therewith.

24. As the prison is to be made as secure as it is capable, to prevent escapes, you are to direct the turnkeys to inspect the several apartments every day, and to report to you the state of them, that any attempt to escape may be immediately discovered.

25. You are to make it publicly known, that ten shillings will be paid for re-taking and bringing back to the prison, any prisoner who shall have escaped; and if he was taken at such a distance from the place of confinement as to render the incurring an expence unavoidable, it will be allowed; but the bill of charges is first to be sent to us; a receipt is to be taken for the sum paid, witnessed by two credible witnesses, and charged in your account of contingencies; and the prisoners so re-taken are to be kept in the confining hold on half allowance of provisions (the value of which is to be considered as threepence) till the whole expence attending the re-capture shall have been made good to the crown.

26. If any of the prisoners behave disorderly, they are to be more strictly confined in the place assigned for such people, and kept there upon half allowance, till our directions can be received.

27. As an airing ground is allotted for the prisoners, principally for the sake of their health, one of the turnkeys is every morning, in fair weather, to go into their apartments, and direct them to go into the airing ground till dinner time, if the weather permits, and after dinner

till sun-set; and one of the turnkeys, during the whole time of the prisoners being there, is to remain in such a place as will admit of the prisoners being in his constant view; but before they go into the airing ground, each prisoner is to contract his hammock and bedding into as small a compass as possible, by hanging both clews on the same hook, for the benefit of a freer circulation of air; and the better to answer the purpose, the windows are to be set open, and the wards to be kept locked while the prisoners are in the airing ground; and in very fair weather that will admit of it, the hammocks and bedding, and the prisoners' necessaries are to be brought into the airing ground to be aired, to see that none of the hammocks, paillasses, or pillows have been purloined or wilfully damaged;—upon discovery of any articles being wanting or so damaged, you are to be apprized of it; and when you learn the names of such persons as have offended in this respect, you are to put them on half allowance, till the first cost of the lost or damaged articles is made good, estimating, as before, the half allowance at three-pence. Regard is also to be had that no tools, or other things which can be used to facilitate the escape of the prisoners, are concealed in their hammocks or bedding; and upon these occasions, after the apartments shall have been cleaned out, it is expected that the agent himself take a strict view of the prison, by which means the turnkeys will be more induced to obey the orders they are under; and twice a week, during the time that the prisoners are in the airing ground, and when the wards shall have been cleaned out, chaffing dishes or iron pots with charcoal (the number to be proportioned to the size of each ward) are to be placed at proper distances, and a sufficient quantity of stone sulphur is to be thrown into them, and continued till it is burnt out, that the ward may be thoroughly fumigated.

28. You are not, upon any pretence whatever, to cause any alteration or addition to be made to the prison, or any of its appendages, except in pursuance of our orders upon it, unless by the prisoners breaking out, or any unforeseen accident, the repairs should be immediately necessary for the security of the prisoners; and in such cases, you are to apply to the surveyor on the spot, usually employed by this board, to order workmen to set immediately about the repairs, and to acquaint us with the circumstance.

29. You are not to give any prisoner leave to go out of the prison without our order for it.

30. You are not to absent yourself from your duty without our leave.

31. If you meet with any difficulty or obstructions in carrying on the service, you are constantly to report the same to us, and to propose, from time to time, any such matters as you may judge require our farther or more particular directions. Given under our hands, at our office at Somerset-place, this

To Mr.

Agent for prisoners of war at

By command of the commissioners.

(No. 1. B.) Copy of the INSTRUCTIONS given to the SURGEONS, during the Time the whole Management of Prisoners of War remained with the Sick and Hurt Board.

By the Commissioners for taking Care of Sick and Wounded Seamen, &c.

INSTRUCTIONS to be observed by the Surgeon appointed to have the Care of Hospitals for Prisoners of War.

1. YOU are to visit the prison every day, and finding any of the prisoners so ill, that it is necessary they should be put into the hospital, you are to report in writing, to the agent, the necessity of removing them, who will give you a ticket; but those whose cases are so slight that they may without danger remain in the prison, are to be attended there; and the medicines prescribed, or whatsoever else may be done for them, is to be entered in a book to be kept for that particular purpose.

2 The sick are to be classed according to their disorders, in the best manner the hospital will admit of; and in case any infectious disorder should be observed among the prisoners. we are immediately to be apprized of it, and those who may be under that circumstance, are to be kept quite apart from the rest, till our further directions can be had.

3. A weekly account is to be transmitted to this office every week, so as to arrive here on Mondays; and when any prisoners have been in the hospital more than twenty-eight days, a particular account of their state of health is to be forwarded with the weekly accounts.

4. A regular entry-book is to be kept of the prisoners who may from time to time be in the hospital; and when it is judged proper to return them to the prison, a discharge-ticket is to be given to the agent.

5. You are at the end of each quarter, viz. the 31st of March, 30th of June, 30th of September, and 31st of December, to send us a complete book of all the prisoners names who have been in the hospital at any time during that quarter, expressing the times of their entry, discharge, or escape; with an affidavit annexed thereto; which said book is to be accompanied by the tickets which you received from the agent with the men.

6. As the prisoners are to be victualled during sickness, in the manner mentioned in the scheme of diet, you are daily to set down, in a book to be kept for that purpose, the number of men to be victualled on the respective diets; and a note is to be given to the agent every day for his guidance in providing provisions for the next day.

7. The prisoners bed and body linen, while they are in the hospital, are to be shifted: the former once every fortnight, and shirts every fourth day, or as often as you shall desire.

8. Hospital dresses and shirts will be provided for those in fevers, dysenteries, and for men in any other disorders in which you may think them necessary, and will be delivered accordingly, as you shall signify to the agent they are wanted.

9. One

9. One prisoner nurse will be allowed to every ten patients, for such men only as require that attendance; as men on recovery, and certain disorders, to be judged of by you, will not stand in need of that assistance; and you are therefore to regulate and signify to the agent, from time to time, the number of nurses which are wanting, giving him a certificate when any nurse is entered or discharged: and you are to note on the weekly account the number of nurses employed.

10. The nurses are to sweep and clean the wards every day.

11. A dispenser will be appointed, who is also to act as assistant to to you in dressing and bedding, when his more immediate business will admit of it, and he is to have the charge of, and dispense the medicines; and as recruits of medicines after the first supply, become from time to time necessary, he is to make demands of what is wanting, which are to be delivered to you; and if after examination you find them wanting, and approve the demands, you are to sign and transmit them to the board, and you are, jointly with the dispenser, to inspect all medicines received, and certify to the condition of them.

12. If you meet with any difficulties in carrying on the service, you are constantly to report the same to us, and to propose, from time to time, any such matters as you may judge require our further or more particular directions.

Given at our office at Somerset-place, this

To Mr.

Surgeon for prisoners of war at

By command of the commissioners.

(No. 2.) A STATEMENT of the general Treatment of Prisoners of War in Health, since the 1st of January 1796.

All matters relative to the exchange of prisoners of war, and the care and custody of those in health, under the direction of the Lords of the Admiralty, were transferred from the Office for Sick and Wounded Seamen to the Transport Board on the 1st of January 1796, and the same allowances as they had received before that period were continued to them until the 1st of December last.

For the reasons specified in a letter from the Right Hon. Henry Dundas to the Lords Commissioners of the Admiralty, dated the 6th of October last, herewith annexed, the Transport Board was directed to signify to the French government, that unless the proposal contained in that letter, namely, That the prisoners of each country should be provided with subsistence, medicines, clothing, and medical attendance, by the country to which they belong, was accepted by that government, the allowance of provisions should be confined indiscriminately for all prisoners, within the limits strictly necessary for their subsistence.

No answer having been received to this proposal on the 25th of November, the day limited for that purpose, the Transport Board was directed to reduce the daily rations of provisions to French prisoners in the manner specified in * the Appendix; and all the French prisoners in this country were accordingly victualled agreeably to that ration,

* Vide Report.

 from

from the 1ſt of December, till lately, that the agent of the French government began to victual them, in conformity to the propoſal abovementioned.

A copy of the uſual contract for ſupplying priſoners of war with proviſions, is contained in the Appendix marked (No. 2. A.) by which it will be obſerved, that the ſeveral articles of proviſions are thereby ſtipulated to be of the beſt quality. And in order to guard the more effectually againſt impoſition on the part of the contractors, or negligence of duty on that of the agents, a certain number of priſoners, choſen by themſelves, was permitted to inſpect each ſpecies of proviſion on its delivery into the priſons, and to reject ſuch as might be found to be of a bad quality, as ſtated in the copy of the regulations marked (No. 2 B.) By theſe regulations, which were hung up in the moſt conſpicuous parts of the priſons, in the language of the reſpective countries to which the priſoners belong, they were made acquainted with the rations of proviſions allowed to them, and the general treatment they had to expect, ſo that any abuſe might be known to them as ſoon as it was committed.

The Tranſport Board has the ſatisfaction of believing, that its inſtructions have, in general, been properly attended to: For, in order to prevent as much as poſſible any miſmanagement or neglect, the different places of confinement have occaſionally been viſited by ſome of the members of the board, without the previous knowledge of the agents, and the reports of ſuch viſitations have almoſt invariably been favourable, as will appear from Appendix marked (No. 2. C.) and (No. 2. D.) being extracts of ſuch parts of the ſaid reports as relate to the treatment of the priſoners at the reſpective places of confinement.

The priſoners in health, whether confined on ſhore or on board priſon ſhips, are lodged in apartments properly adapted for the purpoſe, which are carefully cleaned and aired every day, and frequently purified by proper fumigations.

Every priſoner confined on ſhore is furniſhed, on his arrival at the priſon, with a hammock, paillaſſe, bolſter, and a blanket or coverlet. The paillaſſe and bolſter are ſtuffed with ſtraw, which is changed from time to time, and when one blanket is not deemed ſufficient, more are ſupplied. The hammocks are ſlung in tiers, and at diſtances duly regulated, ſo that they are never too much crowded. At each place of confinement there is a ſpacious airing ground, to which the priſoners have always acceſs in the day time. Priſoners confined on board priſon ſhips are uniformly ſupplied with ſuch bedding as is uſed in the Britiſh navy; and a certain proportion of them, by turns, are always, at ſtated hours, allowed to be on deck.

A conſiderable expence was incurred by the commiſſioners for ſick and wounded ſeamen, in ſupplying French priſoners with clothing, previous to the firſt of January 1796; but about that time Mr. Charretié, the accredited agent of the French government for priſoners in this country, undertook to ſupply them with all articles of clothing; and therefore the Tranſport Board ſupplied none for ſome months after the buſineſs of priſoners was transferred to them.

Mr. Charretié, however, notwithſtanding this engagement, never furniſhed a ſingle article; and after the Tranſport Board had repeatedly applied to him, and repreſented to him the wretchedly naked ſtate of

 the

the priſoners, all to no purpoſe, freſh ſupplies of clothing were iſſued to them at a very conſiderable expence, till the month of September laſt, when, in conſequence of freſh remonſtrances which the commiſſioners thought it their duty to make to Mr. Charretié, he again undertook to ſupply the priſoners with clothing, and money was ſaid to have been actually remitted to him by the French government for that purpoſe. Whilſt French priſoners were ſupplied with clothing by the Transport Board, every care was taken that each of them ſhould be conſtantly provided with, at leaſt,

One jacket,	Two pairs of ſtockings,
One pair of trowſers,	One pair of ſhoes, and
Two ſhirts,	One cap or hat.
One handkerchief,	

The commiſſioners for tranſports think it right to ſtate, that the clothing of priſoners of war has, in former wars, generally been provided by the government to which they belonged, and not by the government by which they were detained. In conformity to this cuſtom, the French government has but in few inſtances granted any clothing to Britiſh priſoners in France, and ſcarcely any bedding, during the preſent war.

The letters daily received by the Tranſport Board from French priſoners, have been exceedingly numerous; but they have uniformly been duly attended to, and ſuch anſwers given to them as circumſtances required. Thoſe letters, however, for the moſt part, merely contained applications for a ſpeedy exchange, and very ſeldom any complaints of the quantity or bad quality of proviſions; the priſoners in general, throughout the country, appearing to be perfectly ſatisfied with the treatment they experienced.

Until the end of the year 1796, all priſoners of war, of the ranks ſpecified in Appendix marked (No. 2. E.) were permitted to remain at large, on parole, in certain inland towns appointed for that purpoſe, where agents were employed to pay them the following allowance for their ſubſiſtence, viz. To all commiſſioned officers in health, whether belonging to the naval or land ſervice, eighteen pence per day; and to all other priſoners in health, nine pence per man per day.

At the end of the year 1796, the number of priſoners on parole, amounting nearly to 1,200 men, and the number of French privateers that were daily captured, joined to the general miſconduct of the officers of ſuch privateers, having rendered it neceſſary to limit this indulgence, it has ſince that period been confined to commiſſioned officers of the French navy and army, and to maſters of merchant veſſels.

On the 25th of November laſt, in conſequence of directions from the lords of the admiralty, in their lordſhips' order of the 10th of the preceding month, all the French priſoners on parole were ſent into confinement, and ſince then no French priſoners have been admitted to parole.

Tranſport Office,
19th March, 1798.

Rupt. George, Wm. Ay. Otway,
Ambroſe Serle, John Marſh.

(No. 2. A.) Form of the CONTRACTS usually entered into by the Commissioners for the Transport Service, &c. for the Victualling of Prisoners of War in Health.

It is contracted and agreed, this day of in the year of our Lord one thousand and in the year of the reign of our sovereign Lord George the Third, by the grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. Between the commissioners for conducting his majesty's transport-service, and for the care and custody of prisoners of war in health, for and on behalf of his majesty, of the one part, and of the other part, as follows: The said for the consideration hereinafter mentioned, do for executors, administrators, and assigns, covenant and agree with the said commissioners and their assigns, commissioners for the time being, on behalf of his majesty, to victual all prisoners of war in health that may be confined from the day of to the day of both days inclusive, by allowing and delivering to each of such prisoners during each day, either according to the first or second tables hereinafter contained, the following quantities of good and wholesome provisions; (that is to say)

TABLE I.

On Sunday.—One quart of beer; one pound and a half of bread; three quarters of a pound of fresh beef; half a pint of pease; and one third of an ounce of salt.

Monday.—One quart of beer; one pound and a half of bread; three quarters of a pound of fresh beef; and one third of an ounce of salt.

Tuesday.—One quart of beer; one pound and a half of bread; three quarters of a pound of fresh beef; half a pint of pease; and one third of an ounce of salt.

Wednesday.—One quart of beer; one pound and a half of bread; three quarters of a pound of fresh beef; and one third of an ounce of salt.

Thursday.—One quart of beer; one pound and a half of bread; three quarters of a pound of fresh beef; half a pint of pease; and one third of an ounce of salt.

Friday.—One quart of beer; one pound and a half of bread; three quarters of a pound of fresh beef; and one third of an ounce of salt.

Saturday.—One quart of beer, one pound and a half of bread; four ounces of butter, or six ounces of cheese; half a pint of pease; and one third of an ounce of salt.

TABLE II.

On Sunday —One Pound of bread; half a pound of fresh beef; a quarter of a pint of pease; and one third of an ounce of salt.

Monday.—One pound of bread; half a pound of fresh beef; a quarter of a pint of pease; and one third of an ounce of salt.

Tuesday.—One pound of bread; half a pound of fresh beef; a quarter of a pint of pease; and one third of an ounce of salt.

Wednesday.

Wedneſday.—One pound of bread; half a pound of freſh beef; a quarter of a pint of peaſe; and one third of an ounce of ſalt.

Thurſday.—One pound of bread; half a pound of freſh beef; a quarter of a pint of peaſe; and one third of an ounce of ſalt.

Friday.—One pound of bread; half a pound of freſh beef; a quarter of a pint of peaſe; and one third of an ounce of ſalt.

Saturday.—One pound of bread; half a pound of freſh beef; a quarter of a pint of peaſe; and one third of an ounce of ſalt.

Provided, and it is hereby agreed by the parties hereto, that on Sunday, Tueſday and Thurſday, one pound of greens may be iſſued to each priſoner, inſtead of half a pint of peaſe, as mentioned in table 1ſt; and that half a pound of greens, inſtead of a quarter of a pint of peaſe, as mentioned in table 2d; may every day be iſſued to each priſoner, in caſe the agent   ſhall find the greens to be fit for iſſuing, but not otherwiſe; and butter or cheeſe is to be iſſued according to table 1ſt. as may be directed by the ſaid agent.

And, as to the victualling each priſoner, either according to the 1ſt or 2d table, it is hereby agreed, that the ſame ſhall be done according to the direction of the aforeſaid commiſſioners or their aſſigns, commiſſioners for the time being, or the agent at   and the ſaid   for   executors, adminiſtrators, and aſſigns, do further covenant and agree with the ſaid commiſſioners and their aſſigns, commiſſioners for the time being, on behalf of his Majeſty, to provide fuel, and dreſs all the ſaid proviſions at   own coſts, being permitted to hire cooks from among the priſoners, at the rate of three pence a man a day.

And further, that the quality of the proviſions ſo to be ſerved to the ſaid priſoners as aforeſaid, ſhall be as follows; (that is to ſay):

Beer.—To be equal in quality to that iſſued to his Majeſty's ſhips.

Bread.—To be made of whole wheaten meal, wherein the whole grain is to be reſerved, except ſuch part as will not paſs through a cloth of eleven ſhillings price; of which meal a ſample, weighing fifty-ſix pounds, ſhall, before ſigning this contract, be lodged at the Tranſport Office, and alſo at the office of the agent for priſoners at   The ſaid ſaid bread to be baked into loaves of four pounds and a half, or three pounds, Avoirdupois, and to be weighed at the end of ſix hours after the ſame ſhall have been baked.

Beef.—To be good and wholeſome freſh beef, and delivered in clean quarters, a fore and hind quarter alternately.

Butter.—To be good ſalt butter.

Cheeſe.—To be good Glouceſter or Wiltſhire cheeſe, or of equal goodneſs.

Peaſe.—To be of the white ſort, and good boilers.

Greens.—To be ſtripped of the outſide leaves, and fit for the copper.

And the ſaid   for   executors, adminiſtrators, and aſſigns, do further covenant and agree with the ſaid commiſſioners and their aſſigns, commiſſioners for the time being, on behalf of his Majeſty, to deliver all the ſaid proviſions at   daily, before eight o'clock, at   own expence.

And

And that it ſhall be lawful for the ſuperintendent, if any, and agent of the ſaid commiſſioners for the time being, or either of them, to inſpect all ſuch proviſions after they ſhall be ſo delivered; and if on any ſuch inſpection, the ſame or any part thereof ſhall be found to be unſound, unwholeſome, or of a quality inferior to that which is above deſcribed, it ſhall be lawful for the ſaid ſuperintendant or agent to reject ſuch of the ſaid proviſions as ſhall ſo appear to be unſound, unwholeſome, or of an inferior quality as aforeſaid, and to cauſe the ſame to be deſtroyed; and in ſuch caſe, unleſs other proviſions of a proper and unexceptionable quality, of the ſame denomination as thoſe ſo objected to, ſhall be ſupplied by twelve o'clock on the day on which the ſame is to be iſſued, it ſhall be lawful for the agent of the ſaid commiſſioners for the time being, at the expence of the ſaid ' executors, adminiſtrators, and aſſigns, to purchaſe the ſame quantity of proviſions, of each ſpecies ſo rejected, and continue to do ſo till they are properly ſupplied by the ſaid executors, adminiſtrators, or aſſigns, which proviſions ſo purchaſed by the ſaid agent, ſhall be paid for by the ſaid executors, adminiſtrators, or aſſigns: and moreover ſhall be liable to a penalty for each offence as hereafter mentioned; and the ſum expended, as alſo the penalty, ſhall be paid by a deduction from the monies next payable to after notice to the ſaid commiſſioners; or, if no monies ſhall thenafter become payable, then ſuch ſum laid out in ſuch purchaſe, and alſo the penalties, ſhall be conſidered as a perſonal charge on the ſaid executors and adminiſtrators. And further, the ſaid do covenant and agree, that neither the agent for priſoners at nor any perſon employed under ſuch agent, ſhall have any intereſt or concern whatever in this contract: and in caſe it ſhall appear at any time, that any ſuch perſon as before-mentioned be ſo concerned in this contract, it ſhall be lawful for the ſaid commiſſioners for the time being to inflict a penalty on the ſaid executors, adminiſtrators, or aſſigns, not exceeding which may be deducted, or otherwiſe recovered, as the other penalties hereafter mentioned. And in conſideration that the ſaid executors, adminiſtrators, and aſſigns, ſhall well and truly perform all and every the covenants and agreements before-mentioned, according to the terms and conditions aforeſaid, the ſaid commiſſioners, for and on behalf of his Majeſty, do agree with the ſaid executors and adminiſtrators, that ſhall be paid after the rate of a day for every priſoner victualled as aforeſaid, according to the 1ſt table; and for every priſoner victualled according to the 2d table, after the rate of *per* head for each day, in the uſual method of the Tranſport Office, quarterly; (that is to ſay) as ſoon as may be after the by Tranſport Bills. Provided always, and it is hereby declared and agreed, by and between the ſaid and the ſaid commiſſioners, that if at any time or times during the continuance of this contract, it ſhall be made appear to the ſaid commiſſioners or their aſſigns, commiſſioners for the time being, by the report of their ſuperintendent or agent, that the ſaid executors, adminiſtrators, or aſſigns, not well and truly performed and fulfilled and all ſingular the articles hereinbefore contained, on part to be performed, it ſhall and may be lawful to and

for

for the ſaid commiſſioners or their aſſigns, commiſſioners for the time being, after ſummoning the ſaid   executors, adminiſtrators, or aſſigns before them, to deduct from the amount of the account for the quarter in which ſuch breach of contract ſhall have been made, not only the ſum which   been paid by the agent in purchaſing proviſions, but alſo ſo much in addition thereto, by way of penalty, not to be mitigated, as the ſaid commiſſioners or their aſſigns commiſſioners for the time being, ſhall think adequate to the offence, or repeated offences, committed by breach of this contract, ſo as the whole of the penalties alone, independent of the ſum expended by their agents, ſhall not exceed one third of the amount of one quarter's account: and if the ſaid commiſſioners ſhall have made out and delivered to the ſaid   executors or adminiſtrators, a bill for payment of ſuch quarter's account, before ſuch breach of contract ſhall have been made known to them, then it ſhall and may be lawful for them to make the ſaid deduction out of the amount of the account for any other ſucceeding quarter; but if, when ſuch breach of contract ſhall be diſcovered, there ſhall not be money remaining due to the ſaid   or not ſufficient to anſwer for the monies expended by the agent, and the penalties inflicted as aforeſaid, the ſaid   for   heirs, executors, and adminiſtrators, do covenant and agree with the ſaid commiſſioners and their aſſigns, commiſſioners for the time being, on behalf of his majeſty, to pay the ſame out of   own property. In witneſs whereof, the ſaid parties to theſe preſents have hereunto interchangeably ſet their hands and ſeals, the day of the year above-written.

Signed, ſealed, and delivered (being firſt
duly ſtamped) in the preſence of

(No. 2. B.) By the Commiſſioners for conducting His Majeſty's Tranſport Service, and for the care and cuſtody of Priſoners of War.

Rules to be obſerved by the Priſoners of War in Great Britain, Ireland, &c.

1. The agents orders are to be ſtrictly obeyed by all the priſoners; and it is expreſsly forbidden, that any priſoners ſhould inſult, threaten, ill treat, and much leſs ſtrike the turnkeys, or any other perſon who may be appointed by the agent to ſuperintend the police of the priſon, under pain of loſing their turn of exchange, of being cloſely confined, and deprived of half their ration of proviſions, for ſuch a time as the commiſſioners may direct.

2. All the priſoners are to anſwer to their names when muſtered, and to point out to the agent any errors they may diſcover in the liſts, with which he may be furniſhed, in order to prevent the confuſion which might reſult from erroneous names; and ſuch priſoners as ſhall refuſe to comply with this regulation, ſhall be put on half allowance.

3. Should any damage be done to the buildings by the priſoners, either through their endeavouring to eſcape, or otherwiſe, the expence of repairing the ſame ſhall be made good, by a reduction of the rations of

of provifions of fuch as may have been concerned; and fhould the aggreffors not be difcovered, all the prifoners confined in the particular building fo damaged, fhall contribute, by a fimilar reduction of their rations, towards the expences of the faid repairs.

4. Such prifoners as fhall efcape from prifon, and be re-taken, fhall be put into the black hole, and kept on half allowance, until the expences occafioned by their efcape are made good; and they fhall moreover lofe their turn of exchange; and all officers of the navy or army fo offending fhall, from that time, be confidered and treated in all refpects as common men.

5. Fighting, quarrelling, or exciting the leaft diforder, is ftrictly forbidden, under pain of a punifhment proportioned to the offence.

6. The prifons are to be kept clean by the prifoners in turns, and every prifoner who fhall refufe to do that duty in his turn, after having received notice of the fame, fhall be deprived of his ration, until he fhall have complied.

7. The prifoners are from time to time to inform the agent of the clothing or other articles which they may ftand in need of, and have money to purchafe; and the agent fhall not only permit them to purchafe fuch articles, but alfo take care that they are not impofed on in the price.

8. The prifoners in each prifon are to appoint three or five, from among their own number, as a committee for examining the quality of the provifions fupplied by the contractor; for feeing that their full rations, as to weight and meafure, are conformable to the fcheme of victualling at the foot hereof; and if there fhould be any caufe of complaint, they are to inform the agent thereof; and fhould he find the complaint well founded, he is immediately to remedy the fame.— If the agent fhould neglect this part of his duty, the prifoners are to give information thereof to the commiffioners, who will not fail to do them juftice in every refpect.

9. All dealers (excepting fuch as trade in articles not proper to be admitted into the prifon) are to be allowed to remain at the principal gate of the prifon from fix o'clock in the morning until three in the afternoon, to difpofe of their merchandize to the prifoners; but any of the prifoners who fhall be detected in attempting to introduce into the prifon fpirituous liquors, or other improper articles, or in receiving or delivering any letters, fhall be punifhed for the abufe of this indulgence, in fuch manner as the commiffioners may direct.

SCHEME

SCHEME OF VICTUALLING.

DAYS	Beer	Bread	Beef	Butter	Cheeſe	Peaſe	Salt
	Quart.	Lbs.	Lbs.	Ozs.	Ozs.	Pint.	Ozs.
Sunday - - -	1	$1\frac{1}{2}$	$\frac{3}{4}$	—	—	$\frac{1}{2}$	$\frac{1}{3}$
Monday - - -	1	$1\frac{1}{2}$	$\frac{3}{4}$	—	—	—	$\frac{1}{3}$
Tueſday - - -	1	$1\frac{1}{2}$	$\frac{3}{4}$	—	—	$\frac{1}{2}$	$\frac{1}{3}$
Wedneſday - - -	1	$1\frac{1}{2}$	$\frac{3}{4}$	—	—	—	$\frac{1}{3}$
Thurſday - - -	1	$1\frac{1}{2}$	$\frac{3}{4}$	—	—	$\frac{1}{2}$	$\frac{1}{3}$
Friday - - -	1	$1\frac{1}{2}$	$\frac{3}{4}$	—	—	—	$\frac{1}{3}$
Saturday - - -	1	$1\frac{1}{2}$	—	4 or	6	$\frac{1}{2}$	$\frac{1}{3}$
Total	7	$10\frac{1}{2}$	$4\frac{1}{2}$	4 or	6	2 or greens in lieu.	$2\frac{3}{4}$

N.B. When greens are iſſued in lieu of peaſe, one pound, ſtripped of the outer leaves, and fit for the copper, ſhall be iſſued to each priſoner.

Each priſoner ſhall receive two ounces of ſoap per week.

(No. 2. C.) Extracts from the Report of Commiſſioner Serle, on the State of the Priſons and Priſoners confined at Penryn and Pembroke, and on parole at Bodmin, Callington, and Carmarthen :— Dated 7th July 1797.

In conſequence of the reſolution of the board, that from the great number of priſoners of war, and from the growing expence of maintaining them, it was neceſſary that the commiſſioners ſhould viſit the ſeveral priſons and places of parole, in order to know with preciſion their actual ſtate, and to correct any exiſting abuſes, I left London on the 26th of June, and in proceeding to Cornwall, took Plymouth in my way, chiefly for the purpoſe of communicating the ſentiments of the board ſpeedily and confidentially to Captain Lane, reſpecting the projected exchange of priſoners through Mr. Charretié, who was ſoon to be expected at Plymouth on that buſineſs. After a full converſation with him on that ſubject, with which he ſeemed properly impreſſed, I went on to purſue the particular objects of my enquiry, and arrived at Falmouth on the 29th in the evening. As I came unexpectedly, I ſaw every thing in its uſual ſtate, and without the diſguiſe of preparation; and I examined as minutely as I could into the particular circumſtances of their proviſions, clothing, and complaints.

It has been a very proper and needful amendment of the contracts for proviſions, to ſtipulate the preciſe times of delivery. Great complaints have been made of the lateneſs and irregularity of the hours, which have prevented the cooking of the meat in the manner that the French deſire, which is by boiling it down for four or five hours, into a ſtrong

a ſtrong and excellent broth, after which, the meat itſelf is good for but little, and but little regarded by the priſoners. I have deſired the agent to obſerve, that in future the greateſt punctuality may be obſerved on this head, according to the ſtipulation of the new contract; and to complain inſtantly upon any remiſſneſs, or variation from it.

I was not ſatisfied with enquiring of the agent, and the people about him, reſpecting the quality and weight of the proviſions delivered; I inſpected the meat, the bread, and the beer, and found them good in their kinds, and fit for the uſe of almoſt any table. Upon examining ſeveral of the French inſpectors upon this head, they uniformly declared themſelves perfectly ſatisfied with every ſpecies of their food, and offered no complaints reſpecting their general treatment in this particular; but declared, that what I ſaw of their proviſions, was agreeable to the common ſupply: indeed, there is reaſon to believe that their fare as to food, is to moſt of them very ſuperior to what they have been accuſtomed to obtain in their own country. Moſt of the priſoners appeared, as a proof of it, in the higheſt health, to which their ſituation upon two beautiful eminences, where they have the advantage of a moſt ſalubrious air, may perhaps not a little have contributed.

It is almoſt unneceſſary to obſerve to you, that the priſoners neither here, nor at other places of cuſtody, have received any ſupplies from their own government for the purchaſe of clothing, &c. They have been thrown in this reſpect entirely upon the humanity of the nation; a circumſtance not ſo much to be regretted, though entailing a good load of additional expence, had our priſoners in France been treated with equal care and compaſſion.

As to complaints from the priſoners, they have none with reſpect to food, or general treatment. Some incidental circumſtances of ill behaviour, through the petulance, perhaps, which may be expected to ariſe in low licentious characters, from the length of confinement, have occurred on the one hand; and reſentment on theſe particulars, from perſons little above them in mind or manners, who have them in charge, and conſequently are in ſome ſort of ſuperiority over them, on the other, are not to be ſuppoſed extraordinary events among people circumſtanced as theſe are on both ſides.

The priſoners here, as probably in other places, traffic for tobacco, and other little neceſſaries, with ſuch ſmall articles of curioſity, or manufacture, as they are able to perform in their confinement.

After my viſitation of the priſons near Falmouth and Penryn, I proceeded to Bodmin, and having made ſome enquiries privately, of indifferent perſons, who neither knew me, nor my object, I ſent for Mr. Wallis the agent. He appears to be a reſpectable attorney, and a proper perſon for the ſervice committed to him. I had much converſation with him on the ſubject of his charge.

Mr. Wallis has now about 125 priſoners remaining with him on parole. He had no complaints to make of their conduct; nor could I find any from the inhabitants at this preſent time. At firſt they had been very unruly and troubleſome, actuated with all the fervour of the revolutionary ſpirit of their countrymen, and zealous to proſelyte others, and eſpecially the lower ſort, to their opinions. But this heat is much abated, and their conduct has become more temperate and orderly. Nothing could have been more happy, I am aſſured, for the peace of the town, and for the good behaviour of the priſoners,

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than the board's order and injunction, that none of them ſhould be ſuffered to ſtraggle over the adjacent country; nor depart farther from the town than one mile, and then only upon the high road, and that, after the preſcribed hours (which are here known by the ringing of a bell) none ſhould be found out of his quarters, upon the penalty of loſing his parole. Every body expreſſes ſatisfaction upon this regulation, which has been attended with the moſt ſalutary effects.

There is a ſurgeon, an inhabitant of the town, nominated by the Sick and Hurt Board, to take care of ſuch of the priſoners as may need his aſſiſtance.

Upon the whole, I have reaſon to believe that the buſineſs of priſoners on parole, is now properly conducted at Bodmin.

From Bodmin I proceeded to Callington, and after enquiries ſimilar to thoſe I had made in the former place, I deſired the attendance of Mr. Kinſman, the agent.

By his report I found here of

the French { 9 Principal Officers, 17 Subordinate or Subaltern, and 7 Servants.

All theſe were taken either from, or near, Iſle Dieu; and by Mr. Kinſman's account, which is juſtified, ſo far as could be judged by their appearance, decent people of good behaviour.

Beſides, there were of the

Dutch { 9 Officers and 5 Servants,

Brought from the Cape of Good Hope, and very orderly men. Theſe laſt are allowed, by the Eaſt India Company, for their better ſubſiſtence, at the rate of ſeven ſhillings a week for the officers, and five ſhillings and three pence for the ſervants, ſo that their condition is particularly eaſy and comfortable.

The ſame rules are obſerved with reſpect to theſe priſoners as to thoſe at Bodmin, and are attended with the ſame good effects. The town is perfectly ſatisfied, and ſo are the priſoners. Some of theſe have made overtures of marriage to women in the neighbourhood, which Mr. Kinſman, aſſiſted by the magiſtrates, has very properly taken pains to diſcourage, and, as far as could be legally done, to prevent.

I came abruptly upon the priſon and its officers in Pembroke, and happily juſt as they were about to ſerve out the proviſions for the day. Of courſe I ſaw every thing in its uſual condition and circumſtances.

The bread and vegetables were very good, the former being made of the whole wheaten flour, agreeable to the ſubſiſting contract. Inſtead of beef, veal, which is cheap in this country abounding with paſturage, rather than arable lands, is ſerved out to the priſoners; but being of the ſame ſpecies, though not of the age required, and the priſoners, moreover, being ſatisfied with it, I did not appear to take any notice of the matter; nor did I propoſe an alteration. The cooks among the priſoners boil it all down with the vegetables (after it has been weighed out and diſtributed) into a ſtrong broth, which, with their allowance of good ſmall beer, affords a diet very much above what the country people round about are able to procure, and probably above what the priſoners themſelves have formerly enjoyed

at

at home. There was, in ſhort, no complaint upon this head, nor any reaſon, in appearance, for making it.

Returning from Pembroke I ſtopped at Carmarthen, and deſired the attendance of Mr. Propert, the agent for the priſoners on parole at that place. I went through the enquiries which I had made at Bodmin and Callington, and gave the ſame inſtructions as to the agents at thoſe towns. Mr. Propert aſſured me that the general conduct of the priſoners, which are now reduced to ſixteen) is unexceptionable, and that the inhabitants are ſatisfied with their quiet and decent deportment.

(Signed) *Ambroſe Serle.*

(No. 2. D.) Extracts from the REPORT of Commiſſioner Schank, on the State of the Priſon and Priſoners at and near Plymouth and Briſtol:—Dated Auguſt 1797.

In conſequence of the reſolution of the Board, That, from the great number of priſoners of war, and from the growing expence of maintaining them, it was neceſſary the commiſſioners ſhould viſit the ſeveral priſons and places of parole, in order to know with preciſion their actual ſtate, and to correct any exiſting abuſes, I proceeded, on the 28th July, 1797, to Taviſtock, in company with Captain Lane, and directed Mr. Bennett, the agent at that place, to aſſemble the priſoners, the total number of whom amounted to one hundred and ninety-three. They appeared to be all in good health, well clothed, and in general perfectly ſatisfied with their ſituation. The agent and inhabitants ſeemed equally content with their conduct.

On the 29th I was at Plymouth, and viſited the priſon and priſon ſhips, and arranged matters with Captain Lane and Mr. Dacres, until the 1ſt of Auguſt. I found the priſoners on board the priſon ſhips very well contented, except that ſome ſmall complaint had been made with reſpect to the bread, but they were ſatisfied, by being told, that orders had been given for iſſuing better bread in future.

On my viſit to Briſtol, the total number of priſoners confined at that place amounted to one thouſand four hundred and four. The priſon ſtands on a very healthy ſituation, is well built, plentifully ſupplied with water, and has a good roomy and airy hoſpital. On the ſtricteſt examination into the proviſions, I found them good, and agreeable to contract; the bread only required a little more baking. The priſoners reported, that two months before that time, the proviſions had not been near ſo good as they then were, but they were now ſatisfied. With reſpect to Mr. Charretié's complaint againſt Mr. Bright, the agent's clerk at Briſtol, I made the moſt ſtrict enquiry, in preſence of the offended priſoner, and ſeveral others who ſpoke Engliſh, as alſo of the other clerks, &c. and found the matter was ſettled to the ſatisfaction of both parties.

Taking the general ſituation of the priſoners, with reſpect to lodging, clothing, and victualling, they are full as well off as either the ſeamen, ſoldiers, or common inhabitants of this kingdom.

(Signed) *John Schank.*

(No. 2. E.) List of the Ranks of French prisoners of war who were admitted to parole previous to the end of the year 1796.

Ranks	
Captains — —	Taken in men of war only.
Lieutenants — —	
Ensigns — —	
Surgeons — —	
Pursers or Deputy Civil Chiefs —	
Chaplains — —	
Instituteurs — —	
Masters — —	
Pilots or Mates — —	
Aspirants or Midshipmen —	
Surgeons Mates — —	
Boatswains — —	
Gunners — —	
Carpenters — —	
Master Caulkers — —	
Master Sailmaker — —	
Coasting Pilots — —	
Volunteers, gentlemen of family	
Captains — —	Taken in merchant ships and privateers.
Passengers of rank — —	
Second Captains — —	
Two Lieutenants to be allowed for every hundred men —	
Pilots — — —	
Surgeons — —	
Chaplains — —	
Clerks — — —	

Chiefs of prizes taken in British re-captured vessels.

N. B. The captains, lieutenants, pursers, surgeons, and chaplains of men of war, were allowed one servant each.

(No. 3.) EXTRACTS from the EXAMINATION taken before the Committee.

At the COMMITTEE on the Treatment of Prisoners of War, 29th March, 1798.

Dr. James Johnston, attending according to order, said, he was now a commissioner of the Sick and Hurt Board.

He further said,

I was resident commissioner at Portsmouth, from about 23d July, 1793, to 23d September, 1796; and I have made three several visitations there since that time. No person immediately succeeded me as a fixed resident there; but the Board of Admiralty having sent Captain Otway and myself to inspect the prisons at Porchester and Forton, and the prison ships, upon our report to the Admiralty, a comptrolling power was given to a captain of a man of war.

What

What was the nature of your office?

To have the charge and inſpection of the management of the priſoners, in health and in ſickneſs, and the whole general ſuperintendance of every thing relative to them, and to ſee that the different officers performed the duties required by their inſtructions, and to hear and redreſs the grievances of the priſoners.

What was the general average of the numbers of the priſoners under your inſpection?

I think, after the 1ſt of June, 1794, about 5,000.

What was the general treatment of the priſoners, with reſpect to attendance and proviſions, and as to the obſervance of the rules and regulations laid down reſpecting them?

I am fully of opinion, that the inſtructions were generally complied with; that the proviſions allowed by government were in general agreeable to contract, and quantity and quality. When the quality was bad, the proviſions were returned to the contractor, and others purchaſed in lieu. When the beer happened to be inferior in quality to the contract, as it was impoſſible to get beer for 4 or 5,000 men the ſame day, the agent had directions from me to purchaſe in the neighbourhood ſuch a quantity of ſtrong beer, to mix with that complained of, till it was equal in goodneſs to what the contract required, and to the ſatisfaction of the French ſuperintendants of proviſions, being perſons choſen by and from among themſelves for that purpoſe, and whoſe functions were generally to inſpect every ſpecies of proviſion on its arrival at the priſon, whether objected to or not, and to the cutting up, dreſſing, and delivery of them to the priſoners.

When the numbers of wounded perſons were ſo conſiderably increaſed by the action of the 1ſt of June, what number of ſurgeons and aſſiſtants were added to the eſtabliſhment of the hoſpital?

As ſoon as I was informed of the numbers of the ſick and wounded, by permiſſion of the commander in chief, ſurgeons of the navy and mates were employed, ſo as to give every ſurgeon the care of about thirty ſick and wounded men; and in addition to this, as many of the French ſurgeons as choſe it were allowed to give their attendance, as well with a view to their particular aſſiſtance, as to ſee they were properly treated; and if there was any thing they wiſhed to point out, that their wiſhes ſhould be complied with to their fulleſt extent. With reſpect to medicines, wines, and every other neceſſary, they were provided in the ſame manner as our own ſeamen at Haſlar hoſpital.

Whether, to the beſt of your knowledge, the ſame conduct was obſerved in the other priſons?

Yes, ſtrict orders were given that it ſhould be ſo in all the priſons; and in general I found it ſo in my official viſitations at Norman Croſs and Stapleton; but at Plymouth I had occaſion to complain of the ſurgeon for ſome neglect, and he was diſmiſſed and another appointed, and I heard of no other complaint.

What, in your opinion, was the cauſe of ſo many more deaths happening among the French priſoners in the year 1794, than in other years of the war?

From an infectious fever that raged on board the French men of war taken on the 1ſt of June, and brought to Spithead, particularly on board the Sanſpareil and Impetueux: together with a number that died of their wounds from that engagement; and during the time this mortality

mortality prevailed, they were attended by the two phyſicians of Haſlar hoſpital, in addition to the medical eſtabliſhment of the priſon; and the ſame was done at Mill priſon at Plymouth.

(No. 4.) At the Committee on the Treatment of Priſoners of War, 29th March, 1798.

Mr. Jean Charretié attending according to Order, was aſked;

State to the committee in what particular character you reſide in this country?

Commiſſary from the Executive Directory, for the exchange of priſoners of war, charged with a projet of cartel, and the general ſuperintendance of priſoners.

At what time did your commiſſion commence?

In December, 1795.

How long did you continue in that ſituation?

About two years and a half.

Has Mr. Charretié any objection to ſtate to the committee diſtinctly, his particular obſervations on the treatment of the priſoners in that period, in the priſons and hoſpitals of England?

I will give a faithful account—I have always done juſtice to the good intentions of the Britiſh government with reſpect to the priſoners; I have never complained but of abuſes; I knew perfectly well the rations which the Britiſh government diſtributed to each man, as well as the price which they gave the contractors. In my different viſitations made to the priſons, I have aſcertained that the quality of the proviſions was not equal to the price paid for them by government.

Do you mean to ſay that it was univerſally ſo?

At Portcheſter and Plymouth it was better than at Falmouth; the agent at Falmouth entered the priſon only once a week.—The French priſoners, to the number of between 8 and 900, were entirely under the cuſtody of the goalers; and the different contractors of beer, meat, and bread, diſtributed proviſions at leaſt eighty per cent. below the price paid them by government. The bread was made with bad corn, mixed with chaff, and was not eatable.—I was at Falmouth in July, 1797.—I wrote at the beginning of Auguſt, to complain to the Tranſport-Board—The board was aſtoniſhed at my complaint, and told me in conference, that one of them (Mr. Searle) had been to inſpect thoſe priſons about the end of June, and had made a favourable report of them, which put me under the neceſſity of perſevering in my complaint. This induced the board to ſend Captain Lane to certify the complaint, and ſee if it was founded, and he knew confidentially, that by going privately to the two priſons, the truth of the complaint was eſtabliſhed.

Withdrew.

2d April, 1798.

Mr. Charretié attending according to order, was called in, and ſaid—

In November 1795, when I firſt took charge of the priſoners, I viſited Portſmouth, and the priſons in the neighbourhood.—I found Dr. Johnſon of the ſick and hurt board, who went round the differ-

 ent

ent prisons with me, and I had the satisfaction of finding that all the provisions were of the best kind, and no complaint from any of the prisoners; and the hospital at Forton in good order; but in June, 1797, I went down to attend the exchange of some prisoners, and there found, that in consequence of information received by the British government of an insurrection in the prison at Portchester, the market was stopped, during which time great advantage was taken by the turnkeys, to sell clandestinely bread and milk at exorbitant prices; when the prisoners complained, the soldiers stopped their complaints by threatening them with the bayonet; and upon my going into the prison with Captain Rawe, where a Mr. Peltier and several other French officers bitterly complained to me of their treatment, Captain Rawe told Mr. Peltier, that he was there every day, and was astonished at his not having complained before.—At that time the prisoners were treated severely, on account of the police necessary (as I believe) to be kept in the prison during the mutiny of the British fleet.

Does Mr. Charretié mean by being treated severely, closely confined?

No; but government had information that the mutineers meant to put arms into the hands of the prisoners to kill their guards, and therefore they were more exact in their discipline.

Did you visit any other prison?

I went to Plymouth in July 1797; in general the prisoners complained of their provisions and their quality, but Captain Schank and Lane soon redressed that complaint, and nothing of what I had obserserved at Portchester took place; the prisoners were quiet.

As they were quiet in Plymouth prison, did you observe any particular severity?

No.

You attribute then the severity at Portchester to the insurrection?

Yes.—From thence I went to Falmouth, where I saw what I gave in evidence on Thursday.

Was the complaint made against the agent at Falmouth redressed?

Not that I know of.—From thence I went to Bristol, and found the same spirit of complaint on account of the provisions; I could not find the agent, who was not on the spot, and one prisoner was sent to the black hole, for having refused a cabbage not cleared of its stalk.—He was sent there by a clerk who (I heard) had a share in the contract for provisions.—I complained to the Transport-Board of that clerk as being disagreeable to the prisoners.—This clerk presided at the distribution of all the provisions.—I have heard no complaints of him from the prison since that time.—Neither before nor since have I visited any of the prisons.

Was there not a select committee of prisoners to inspect the provisions?

There was, but I suppose they were corrupted.

What was their number, and how chosen?

I suppose about twelve, chosen by themselves, but I do not speak to the fact, nor have I any particular reason for saying that they are corrupted, than that it is the nature of man.

As Mr. Charretié stated to the committee, That he did not consider it his department to inspect the provisions, how came he to be so particular in reporting the badness of provisions at Falmouth?

Because I came at the time when the provisions were brought to the gate ready for delivery, and the prisoners would not receive them.

Was it butcher's meat or bread?

Bread and cheese.

Did you see any of the meat?

No, I did not.

How does Mr. Charretié reconcile his not having seen meat at the gate, to the assertion that it was 80 per cent. below its value?

The meat as well as the beer, was shewn me in the prison.

Were the provisions you saw at the gate distributed?

No, I objected, to the contractor, and he took back the provisions, as I understood, and supplied others.

When you complained, at Plymouth of the provisions, what species was it you objected to, the beef, or the bread?

The bread.

Did you take any steps to obtain the quality of the provisions you complained of to be altered for the better?

Yes, several times I mentioned it in conferences with some of the Transport-board.

Do you believe in consequence that measures were taken by them to prevent these abuses?

Yes, I have no doubt of it.

As you did not seem to think it was your duty to inspect particularly into the state of the provisions, how came it that you were so circumstantial in the assertion on the quality of the provisions in your evidence before the committee on Thursday last?

I observed it to be so from specimens that were brought to me.

Is it your opinion that the commissioners of the Transport Board did every thing in their power to cause the provisions supplied to the prisoners, to be equal in goodness to the contract prices?

I have not the least doubt of it, and all that I have complained of were abuses of some of the contractors.

Previous to your representation to the French government of the situation of the prisoners at Norman Cross, did you complain to the commissioners of the Transport Board?

No, I was at Bath at the time, and made it from letters I received from prisoners at that place, and intended, when I came to London, to represent the same to the Transport Board in a conference. Soon after I had reason to alter my opinion, and I therefore took the first opportunity to acquaint the French government what I learned the real state of the prisoners to be.

What was the interval of time between your first representation, and your informing the French government that you had been misinformed?

I cannot remember—perhaps two or three weeks.

Don't you think it unfortunate that you was so hasty in making such an impression, without taking some measures to have informed yourself of the real state of the fact, which might have been obtained from the Transport Board?

I think it was.

Have you had opportunities of knowing what numbers of prisoners were in each prison at any time?

Yes, the Transport Board furnished me with lists whenever I required it.

Then what was the cause of your informing the French government, that there were 9,000 prisoners at Norman Cross, when it appears their numbers were only 5,000?

Because the number of prisoners increased frequently, as fresh prisoners were coming from Ireland.

(No. 5.) At the Committee on the Treatment of Prisoners of War, 3d April 1798.

Rupert George, Esq. First Commissioner of the Transport Board, attending according to order, was asked;

State to the committee what has come to the knowledge of the Transport Board, respecting the treatment of the prisoners of war at Falmouth or Penryn in the months of June and July 1797?

I refer the committee to Commissioner Serle's report of 7th July 1797. When Mr. Charretié's complaint, of 7th August following, was presented to the Board, the contractors had been changed, we had entered into a new contract. The Board received a letter from Mr. Charretié, of the date of the 7th August, complaining of the inhuman treatment of the prisoners, and the neglect of the agent. The Board first called on the agent to answer the complaints, and afterwards, by permission of the Admiralty, sent Capt. Charles Lane, of the navy, to enquire into and report upon the complaints. It appeared that the contractors had in some instances supplied provisions inferior to contract; in consequence of which, the Board took the opinion of their solicitor, whether there were grounds for prosecuting them for breach of contract; who was of opinion, there were not; the instances which were stated of breach of contract not being of sufficient magnitude to warrant the Board in resorting to the dilatory mode of punishment by prosecution, at a time when they had in their hands a more summary and equally effectual mode of remedying the evil, which was by returning the faulty provisions on the hands of the contractor, and purchasing others at his expence, which the agent did, by order of the Board, in several instances. In addition to this, the Board wrote to the town clerk of Penryn, to request the mayor or chief magistrate to assist the agent occasionally with his opinion, whether such articles of provisions, as might be objected to by the prisoners, were agreeable to the terms of the contract, a copy of which the town clerk was informed was lodged with the agents, who had directions to apply to the mayor accordingly.

The Board had also samples of the bread sent to town for their inspection, which seemed pretty good, but not sufficiently baked.

Was any bread stated to be mixed with chaff?

In no instance was any bread either sent up, or complained of, either by the agent or the mayor of Penryn, mixed with chaff, nor was any information ever received by the Board, that any such had been offered to the prisoners, though the same appeared in some cases to be inferior to the terms of the contract.

Do you think that the contractors could have distributed provisions to the prisoners 80 per cent. below the price contracted for by government?

It is certainly impossible, considering the check which the Transport Board desired might be made upon the provisions by the mayor of Penryn, and other respectable persons, and especially as the complaints on which the Board was applied to, stated no cases of any thing like such enormity.

Whether any thing came to the knowledge of the Transport Board, respecting the conduct of the clerk of the prison at Stapleton, which made him liable to their censure?

Commissioner Schank went to enquire into that, among other circumstances; I can state, on the evidence of Capt. Schank, that the person who was committed to the black hole in that prison, was committed there for insolence, the other matter of complaint having been adjusted to the satisfaction of both parties.

Did the Transport Board answer the different representations of Mr. Charretié, respecting the treatment of the prisoners?

In every case, except when his language was highly disrespectful.

At what particular period was this alteration in the language of Mr. Charretié?

In the month of September 1797, after the last revolution in France. As an evidence of the attention paid by the Board to the complaints of Mr. Charretié, I beg leave to refer to a letter from the Board to Mr. Charretié, of the 17th of August 1797, and which I now deliver in to the committee.

Was Mr. Charretié at any time informed by the Transport Board, of the prosecution and conviction of any person who had supplied bread of a bad quality to the prisoners at Falmouth or Penryn?

Yes; he certainly was, by letter of the board to him of the 29th of August, 1797, which I beg leave to deliver in to the Committee.

Are there any, and what number of prisoners, now confined in the prisons near Falmouth?

There are none; the two prisons of Roscow and Kergelliac, near Falmouth, being so far from each other, and the agent obliged to reside at a distance from both, it was thought requisite to apply to the Admiralty to appoint a prison ship in the harbour of Falmouth; which not being convenient, the prisoners were all removed from those places to prisons nearer the capital. Withdrew.

4th April 1798.

Were the complaints preferred by Mr. Charretié against the agent at Falmouth, in August 1797, proved to be founded?

No complaint was made of the agent, except that by Mr. Charretié; and we had every reason to be satisfied with him and his conduct. We applied to him immediately, to give an answer to the charge, which he did satisfactorily; but considering it as a matter of much consequence, we sent captain Lane, superintendent of prisoners in the western district, to enquire into the transaction; upon which he made a long report, by which the agent did not appear to be criminated.—It appeared, that in some instances the contractors had been guilty of offering provisions inferior to what were contracted for; but as the agent

or

or his aſſiſtant were always preſent at the delivery, and the ſame regulation of French Inſpectors, ſelected by and from among themſelves, exiſted there as well as in the other priſons, there was no reaſon to ſuppoſe any bad proviſions, although tendered by the contractors, could have been forced on the priſoners.

Did the agent conſtantly attend his duty at the priſons?

It appeared from commiſſioner Serle's report, of the 17th July 1797, that he was obliged to live at a diſtance from his two charges; that he was an unexceptionable man, and performed his duty, as far as he could learn, with the entire devotion of his time to it; but he had an aſſiſtant at each priſon, who was always on the ſpot.

Had Mr. Charretié the means of knowing from time to time the number of priſoners confined in each priſon?

Certainly, having been ſupplied with liſts from the Tranſport Office whenever he applied for them, and which he was conſtantly in the habit of doing.

What number of men can the priſon at Norman-croſs contain?

Between five and ſix thouſand.

Had Mr. Charretié the means of knowing this?

Certainly; he had conſtantly acceſs to the Board Room, where the buſineſs of the priſoners was tranſacted, and where plans of the building, and the number it would contain, might always be had recourſe to.

What was the greateſt number of ſick, at any one time at Norman-croſs?

I never knew it amount to 200.

Had not Mr. Charretié, at all times, means of knowing the number of ſick, as well as of other circumſtances relative to the priſoners?

Always; by application to the Tranſport Board.

Did Mr. Charretié make any application to the Board for any intelligence on this ſubject, for a week or ten days previous the 19th Nov. 1797?

No, he did not, though he was then in London. The official letter of his recall from Bath bears date the 15th, which he received in London on the 16th or 17th, having come to town in conſequence of a private communication from me, that the Admiralty conſented to the meaſure.

Are priſoners ever ſent from Ireland to Norman-croſs?

No, there were none direct, ſince the 26th April 1797; ſometimes they might arrive there circuitouſly through the other priſons, as they went from Ireland to Portſmouth, and priſoners were afterwards ſent from thence to Norman-croſs; but I cannot ſay, whether the ſame individuals went to Norman-croſs or not.

To what number do you conceive any ſudden increaſe at Norman-croſs might amount, by an importation from Ireland?

To a few hundreds at moſt.

Do you know any thing of bread and milk being ſold to the priſoners at Porcheſter, at very exorbitant prices, about July 1797?

A French paper, publiſhed by authority, having been communicated to our Board, in which our treatment of French priſoners was very erroneouſly and unjuſtly repreſented, we called upon Mr. Charretié, by letter of the 8th Auguſt, to contradict ſuch falſe and injurious repreſentations. Having received no anſwer, we wrote to him again on

the 14th; and on the 15th we received his answer, wherein he stated, among other matters, that he had certainly ascertained the fact, that the prisoners had been charged two shillings for an eight-penny loaf, and for a pint of milk sometimes above fourteen pence. We transmitted his complaints to captain Rawe, the superintendent, for his report, which we received the 29th August; and by which it appeared, that the charge was utterly unfounded, and that enquiry had been made in the presence of Mr. Charretié when at Portchester, who himself appeared convinced that no such charge had taken place, and that if it had, there could have been no difficulty in proving it.

At the time this transaction is stated to have happened, had the prisoners their full rations allowed by government delivered to them?

Yes, they had.

Was the contract made by the board for supplying the prisoners, at any period, restricted to ox beef?

Yes it was; and continued so, until a representation was made by the members for Plymouth to the Duke of Portland, that the great consumption of that article by the prisoners had so drained the neighbourhood, that the markets of Plymouth Dock and Stonehouse had not a sufficient quantity to supply the inhabitants, and that the ships were at that very time ordered to be victualled with heifer beef; in consequence of which, directions were given by the Admiralty to dispense with ox beef, and the prisoners had from that time the same as the British troops.

Have any complaints reached your board from the prisoners of any other nation confined in England?

None of any kind, except from the French.

Can you state, from authentic testimony, any thing relative to the treatment of the English prisoners in France?

I cannot from authentic testimony, as our agent there was never permitted to visit any of the Depôts.—From private accounts, all of which agree, the prisoners were sometimes supplied with bad biscuit, said to be sent on shore condemned from the men of war, and about two ounces of salt pork *per* day.—When fresh beef was served, they had half a pound, heads, legs, and sometimes offals included.—In the hospitals there was great deficiency of medicines, and they were put on half allowance.—When bread was served instead of biscuit, accounts differed as to its quality, it being sometimes represented as pretty good, and at other times very bad.—The treatment was different at different Depôts—the worst at Pontanezan—From Nantes we had repeated accounts, by neutrals as well as English, that the prisoners were kept at a very short allowance, and liquor given to intoxicate them; and they were even told, that their country had given them up on account of Sir Sidney Smith's being detained in prison, without whose liberation the British government would not consent to an exchange of prisoners, to induce them to enter into the French service, which succeeded but too well in many instances.

What has been the treatment of the French prisoners since the French agent provided them with clothes and provisions?

They have been well treated, except in the hospitals, from whence many complaints have been preferred to the Admiralty, for want of medicines and necessaries, such as linen, bedding, &c. The French agent has appointed our own officers to be his superintendents, except

cept in one inftance at Liverpool, and in fome cafes have employed the fame contractors, particularly at Plymouth, where the prefent contractors are the fame who had the contract at the prifons near Falmouth, at the time when Mr. Charretié made his complaint.

(No. 6.) At the Committee on the Treatment of Prifoners of war, 20th April, 1798.

Mr. Edward Harris, a Lieutenant in the Navy, attending, was called in, and afked ;

Was you taken prifoner by the French, and when ?

I was ; when a paffenger on board an American fhip bound to Hamburgh—I was carried into Nantes about the 9th of Auguft laft. I remained about three months there, having been put into clofe confinement about two or three days after I got there, contrary to an exprefs ftipulation between the countries, by which it was agreed, that paffengers fhould be immediately permitted to proceed to their deftination. During my confinement I never received any allowance whatever, either in money or provifions, from the French Government, and was even obliged to pay for the ufe of my bed, and for every article at an exhorbitant rate. From thence I was fent to Angers, 62 miles, at my own expence, efcorted by a Gendarme, whom I was forced to maintain on the road thither and back again. I remained there fome few days on parole, and was then put into prifon, and ufed as before, with the addition of being forced to pay the gaoler for permiffion to purchafe my provifions, &c. I remained there between two and three months, and was then fent back to Nantes, in the fame manner and on the fame terms, I was foon afterwards permitted to embark for England in a neutral veffel. On applying to the commiffary of prifoners, that I might be immediately enlarged, on the mutual ftipulation relative to paffengers, I was told, that the French prifoners (paffengers) were fo ill treated in England, that we fhould not have that indulgence.

About what number of Englifh prifoners were at Nantes while you was there ?

I believe about four or five hundred.

Did this number increafe ?

It did vary, as I faw feveral prifoners at different times go out of the prifon, who I underftood were about to go on board French privateers.

Can you afcertain or form any opinion what was their inducement for entering into the French fervice ?

The prifon was expofed very much to the inclemency of the weather ; their provifions very bad, and infufficient, and particularly the bread bad, and full of fand ; and the prifoners were almoft in a ftate of nakednefs.

Suppofe your money had failed, how could you have procured provifions ?

We muft have ftarved, as many perfons with us muft have done, had we not ourfelves made a fubfcription for them, no allowance having been made by the French government except to the common prifoners.

Withdrew.

(No. 7.)

(No. 7.) Mr. George Watſon, maſter in the navy, being preſent, ſaid, That he was taken priſoner with Mr. Harris, and remained all the time with him, and confirmed the whole of Mr. Harris's evidence.

(No. 8.) Mr. John M'Whinnie, a merchant of London, was called in, and ſaid, I was taken priſoner on board the William merchant ſhip of New Brunſwick, on the 17th of October 1797, and carried into Nantes—I was permitted to be at large for ſome time, and had a paſsport to return to England on board the Hope, but ſhe having an embargo laid on her, I returned to Nantes to procure a new paſſport, when I was put into priſon, but being ill at the time, I was placed in the hoſpital.—During my reſidence at Nantes, I one day ſaw in the ſtreet leading to the wharfs, a number of Engliſh priſoners going thither under a guard, and going up to them, I aſked, where they were going? They ſaid, they had entered on board French privateers. On my remonſtrating with them, they ſaid, in their coarſe language, that they could not remain any longer in that ——— priſon, where they ſhould be ſtarved to death, and they would run all riſks rather than do ſo; a mate of a ſhip had alſo entered; I believe upwards of 120 entered while I was there: They alledged, as an excuſe for ſo doing, that the Engliſh government had forſaken them, and their general bad treatment; they had had no allowance from Mr. Cotes for ſix or eight months, and that they ſaw no proſpect of an exchange, the French miniſter or commiſſary there having repeatedly ſaid ſo in anſwer to queſtions on that ſubject. My general information was, that their repreſentations of ill-treatment were well founded; I obſerved, that the inhabitants at large treated me while on parole at Nantes with civility, but many obſervations were made on me and others being at large, whilſt it was ſaid, the French priſoners in England were ſo rigorouſly confined; and accounts to this effect were ſtuck on the walls, repreſenting that the French priſoners were fed on dead dogs and cats, and were brought out and ſhot *en maſſe* for the amuſement of the populace. A priſoner arrived from England at Nantes during the prevalence of theſe reports, and ſpoke in contradiction of them, and with gratitude for the treatment he had received; but he was given to underſtand, that he muſt hold his tongue, and not contradict the aſſertions of the government on that ſubject.

Withdrew.

(No. 9.) At the Committee on the treatment of priſoners of war, 27th March 1798.

John Hopkins Radford, eſquire, ſurgeon upon the ſtaff, attending, was called in, and ſaid;

I was taken in the Elizabeth victualler, in my paſſage to the Weſt Indies, and carried into L'Orient—I arrived there on the 8th of December laſt, and was allowed my parole until the 21ſt, upon which day I was ſent into cloſe confinement; four beſides myſelf were ſent into confinement the ſame day, and in a room adjoining were four others; our allowance at that place was about a quarter of a pound

 of

of coarſe meat, and about a pound of coarſe bread, and water.—On the 26th we began our march for Pontanezan priſon, about 110 in number—On the road we were allowed no carriage for our baggage, but as there were ſeveral men ſick; on the ſecond day of our march, there was one ſmall cart allowed by the agent for the ſick, which was continued during the march, being about 100 miles, which laſted until the 1ſt of January.—The men on the road on one of the nights ſlept in an old church, on another in a ſtable knee deep in muck, and the other nights in priſons and in old houſes.—On the third night the gaoler ſtole one third of the men's bread, and ſold it to them the next morning; the two following nights the men had no proviſions at all, owing, as the officer informed us, to the commiſſary miſtaking the route; nor was there bread enough in the ſmall towns to purchaſe for them, conſequently ſeveral of them had no victuals for forty-eight hours.

What is the extent of the Pontanezan priſon?

A quarter of a mile ſquare; there are ſix buildings, about 200 yards in length and 8 yards wide, built for a French hoſpital, and contained ſeven tier of hammocks.

Was there any yard or place to air the priſoners?

Yes.

How many priſoners were confined there?

In one priſon 1000, in half of another 130, including women and children.

Was there any hoſpital in the priſon?

One of the other four buildings was appointed for an hoſpital—galley ſlaves were in another.

Was there a free circulation of air?

There were windows on both ſides, and about 100 men allowed at a time to go into the yard in fine weather.

Was it a damp or dry ſituation?

Dry.

Was there medical aſſiſtance at the hoſpital?

There were two ſurgeons and two apothecaries, but very little medicines, giving ſparingly to ſome, and none to others; when there, they are at half allowance.

Were there medicines ſufficient?

Anſwered in the preceding queſtion—No medicines were given out of the hoſpital, notwithſtanding applications were made by me as a ſurgeon.

Was there any diſtinction between the officers and the common people?

In general no diſtinction; but the ſurgeons, women, and paſſengers, were, by the indulgence of the commiſſary, kept apart, and had better allowance.

What was the allowance of proviſions at Pontanezan priſon?

About a pound of coarſe bread, without any bran taken from the wheat, and a piece of pork or beef for ſeven men (the witneſs produced to your committee a piece of pork, which was delivered out at that priſon for the day's meſs for ſeven men, and which then proved to be of the weight of 19 ounces and an half, but without the bone 14 ounces and three quarters); in the afternoon about four o'clock they had a ſoup of horſe beans one day, and calivances the other day,

 they

they were boiled in salt and oil. At this time provisions in the country were plentiful and cheap—fresh beef 3d. 3½d. and 4d. a pound—mutton the same—game plentiful—a hare 15 sous—a partridge and a woodcock for a livre—fish cheap.

Withdrew.

(No. 10.) At the committee on the treatment of prisoners of war, 21st April 1798.

Captain James Colnett attending, was called in, and asked;

Did you command his Majesty's frigate Hussar?

Yes.

Were you wrecked on the coast of France, and when?

On the 24th of December 1796.—After we escaped from the wreck, and surrendered ourselves to the military, we were pillaged by them of every thing but what was on our backs. We were five days on our march to Brest, on foot, during which time we had only a small quantity of bread given us one day, no other lodging than wet straw in a church was procured for us, unless we could pay for it. After our arrival at Brest, we were confined in the common gaol at Pontanezan; for the first two days fed with nothing but the common prisoners rations, which were parts of a bullock cut up by the lump, liver, lights, offal, and part of the horn with the jaw.—After being let out of the common gaol, a larger quantity of provisions was allowed the officers, but of the same quality.—After remaining some time at Pontanezan, where a very small part of my effects was returned me, we were forced to go on parole a hundred miles from Brest to Pontavie, and were obliged to pay our own expences, as well as those of the soldier who had the care of us. The whole time of our stay at Pontavie, we had no more than the French common soldier's rations, and even the worst part of the meat, and no wood to cook the victuals. When our release was ordered, we were marched back in the same way, paying our own expences; but finally some wood was procured, for which we signed receipts.

Do you know of any steps taken to entice the British seamen into the French service?

Not personally, but from my own crew, of whose veracity I had no doubt. Several of them applied to me for my consent, rather than be starved in prison, as they were threatened to be, which I positively refused. — On my arrival at Brest, I complained to the marine minister there of the treatment I had met with in the country, and he told me, that he believed me, but that it was not in his power to remedy it, or he would. My second lieutenant then went to the minister, who gave him a certificate of his having only received soldiers rations, and desired him to apply to the French commissary in London for the deficiency.

The allowance of provisions was shortened in the hospital, not only for the sick, but even the lame; and in lieu of meat a little sour wine was given.

I observed two wells in the prison blocked up; and on enquiring the reason of it, was told, that in Robespierre's time the water had been poisoned by his order, and the nuns who had the care of the hospital were ordered to give it to the sick; by which many were poisoned.

Some

Some of the nuns, who refused to do so, were put in a dungeon under ground for nine months.

(No. 11.) Copy of a Letter from Dr. Johnston to the Commissioners for the Transport Service, &c.—Dated 11th Jan. 1796.

Gentlemen,

I beg leave to represent to you, that the masters of the different cartels have, on their return from Cherbourg, for some time past, invariably reported, that on their arrival with French prisoners at that place, their boats were taken from them by the frigate which lies in the road; that they were not suffered to go on shore; that soldiers were put on board them to watch their motions; that the lists of prisoners were carried to the commissary of marine, and when returned, and the disembarkation effected, they were ordered to sea immediately, without regard to wind or weather, often at great risk of being driven on shore; and were always informed that they had no British prisoners to return, which the French commissary has also stated in his different letters. The contrary is, however, apparent, from their having lately sent a brig from thence with 210 English prisoners, wrecked near Shoreham; and by the last letters, received by the Harmony, it is stated, that another cartel is fitting for the same purpose. It seems difficult to account for the conduct of the French government in this matter; why they should oblige so many English cartels to return empty, and at the same time put themselves to the expence of fitting and victualling others: it is not very improbable, that acting as spies is their principal motive. As the French cartel alluded to, may be expected to arrive soon in some English port, I take the liberty to suggest to your consideration, to determine on the propriety of any prisoners being returned in her, or whether she should not, immediately after disembarking those she may bring over, be sent back empty.—I must observe, that, should you direct an equal number to be put on board, two or three days must elapse to procure provisions (which they no doubt will want) before they can be shipped, during which time it will be no easy matter to prevent their having communication with the people from shore, although the officers and crew of the cartel may not themselves be permitted to quit the vessel.

I am, &c.

John Johnston.

(No. 12.) Extract of a Letter from M. Charretié:—dated the 22d of January, 1796.

To the Rt. Hon. the Lords Commissioners of the Admiralty.

My Lords,

I have the honour to inform your Lordships, that the French government, by a decree of the 11th December last, has invested me with the same powers which the committee of public welfare, of their national convention, had granted to Mr. Louis Monneron, to treat with the British administration concerning every thing which might regard the exchange of the respective prisoners of the two nations. My instructions are the same for the cause of humanity, and for concurring to those

thoſe meaſures which may haſten the moment of deliverance to many unfortunate men, in a ſeaſon which, while it diminiſhes their reſources, redoubles their wants. I have communicated the above to the commiſſioners for conducting his majeſty's tranſport ſervice, for the care and cuſtody of priſoners of war.

The mode in which the preſent war is carried on, has for a long time prevented the moſt neceſſary communication, ſuch as had not ceaſed to exiſt between hoſtile nations at any preceding period. The perſons whoſe lot it has been to ſuffer moſt from this interruption, are the priſoners of war on either ſide. The misfortunes inſeparable from that ſituation, have been aggravated by the loſs of every alleviation which could have been procured by a communication with their families.

In this poſture of affairs, and during decrees reſulting from the circumſtances of the moment, the French government, in order to eſtabliſh a cartel upon the baſis of that of 1780, is unable to deviate, with propriety, from the firſt article of the law of 25th May 1793. Convinced, however, that ſentiments of humanity are not foreign to its enemies, the French government authorizes me, my lords, to propoſe to you the mutual and immediate return of the priſoners of both nations to their reſpective countries, and to defer until peace the regulation, in every point of view, of the exchange.

The preſent war, which in its commencement eradicated every former ſentiment, begins now to wear the aſpect of preceding wars. I flatter myſelf, therefore, my lords, that you will acquieſce in the conditions which the French government propoſes, through me; relying that the moſt active meaſures will be uſed to accelerate them on our ſide.

The numerous occupations of my miſſion being a taſk too weighty for myſelf alone, I have, in virtue of powers granted by the French government, aſſociated to myſelf Mr. F. Gaudelet, a young native of France, who has reſided here for ſeveral years, with Meſſrs. Smiths Atkinſon of this city, and whoſe principles and conduct merit my confidence; I requeſt, my lords, that it may be permitted him to viſit the priſons, for the purpoſe of diſtributing the aſſiſtance moſt immediately required, and in order to relieve me in the exerciſe of my functions.

I have the honour to be, with the greateſt reſpect,

My lords,

Your lordſhips,

Moſt obedient humble ſervant,

J. Charretié.

Walcot-place, Lambeth,
22d January, 1796.

(No. 13.) Extract of a Letter from the Commiſſioners for the Tranſport-Service, &c. to M. Charretié:—Dated 9th February, 1796.

Sir,

We are directed by the Right Honourable the Lords Commiſſioners of the Admiralty, to acquaint you, in anſwer to a letter you addreſſed to their lordſhips, under date of the 22d of laſt month, that although it is his majeſty's earneſt wiſh, that the exchange of all Britiſh priſoners of war, in the poſſeſſion of France, ſhould be effectuated with the

leaſt

least possible delay, yet that it is utterly impossible to accede to the proposition of a mutual and immediate general exchange, as upon a comparative statement of the receipts and returns of the two countries, it appears, that there is at this time a balance of upwards of five thousand men in favour of Great Britain, and that it becomes necessary, in consequence, that a stop should be put to the further release of any French prisoners, until the above balance shall be very considerably reduced.

In regard to your being allowed the assistance of Monf. Gaudelet, in the execution of your functions, as agent for French prisoners, their lordships have no objection.

In our letter to you of the 21st of last month, we stated, among other circumstances, the situation of the British officers and men who became prisoners at Berville camp, in the island of Guadaloupe, who by the 3d article of capitualation between Brigadier General Graham and Mr. Victor Hugues, were to have been sent to Great Britain so soon as transports could be provided for that purpose, but which condition has not been fulfilled; and General Graham, and some of the said officers and men who were taken with him, are arrived at Rochfort; and though you say that you do not doubt but the French government will highly disapprove of the violation of the said capitulation, (whereby the detention at Guadaloupe, or elsewhere, of any of the persons to whom it was extended, may be protracted) we nevertheless must inform you, that it is expected their immediate release should take place, and that they may be permitted to return to England, according to the stipulations of the article above refered to.

We are, &c.

Rupt. George.
Ambrose Serle.
John Marsh.

(No. 14.) Extract of a Letter from M. Charretié, to the Commissioners for the Transport-Service, &c.

London, 11th February, 1796.

I beg you will inform the lords of the Admiralty, that I shall lose no time in laying before the French government, the letter which, agreeably to their instructions, you did me the honour of addressing to me on the 9th instant, and I have no doubt, but that the minister of the marine and the colonies, whose views I am perfectly acquainted with, will give immediate orders to enforce the return of English prisoners, and for keeping the exchange in future on a more equal footing. I am certain also, that he wishes the British government would send over commissioners, to ascertain by their reports, whether the minister's orders are punctually executed by the marine agents, charged with the care of the British prisoners in France.

Extract of a letter from Mr. Charretié to the commissioners for the transport service, &c.

London, 4th April 1796.

The undersigned commissioner of the executive directory, for the exchange of French prisoners with the British government, has the honour

honour of presenting his respects to the English commissioners charged with the exchange of prisoners of war, and hastens, on his return from Paris, to communicate to them the wish of his government, and the measures which he has taken for the purpose of removing the difficulties alluded to in their letter of the 9th of February last.

The undersigned having constantly represented that the most certain and least embarrassing method of exchange would be that of a general cartel, being the only plan consistent with the respective interests of the two governments, his suggestion has been adopted. The legislative body, by repealing a law of the 25th of May 1793, which might have interfered with the arrangement of a cartel, has left to the executive directory the choice of the proper means of expediting the return of the prisoners of war.

In conformity to those dispositions, the undersigned has received from the executive directory full powers, and the necessary instructions, to propose to the British government to establish a general cartel of exchange on the basis of that of 1780; and in the expectation that this proposal will be immediately acceded to, the minister of marine has already given orders to collect all the necessary materials for carrying it into execution; namely, an exact list of the English prisoners, at present dispersed in a great number of places in the interior of France; also lists of those who have escaped; and of such as have died in the hospitals; and all other papers relating to the accounts of exchange.

When the undersigned had the honour of assuring the English commissioners that the French government would highly disapprove of the violation of the 3d article of the capitulation of Berville, of which they complained in their afore-mentioned letter, he was not informed that the commissioners of the executive directory, delegated to the Windward Islands, had been under the necessity of suspending that article.

1st, By the English generals, whose conduct, these commissioners assert, afforded just ground to apprehend that they would be restrained by no principle of right from re-taking their prisoners, particularly as the forces in the English islands were then considerably reduced, and that the French army foresaw they should then have to combat a second time with enemies who were become their hostages.

2dly, Because the English generals had declared and signified to the neutral powers, that Guadaloupe was in a state of blockade, and had thereby afforded some foundation for the apprehensions of the French.

And lastly, because it appears, that those same generals, in contempt of the law of nations, and of the respect due to humanity, have sold men of colour, armed for the defence of the French colonies, and of their private property, and even set a price on their heads.

On these grounds the French commissioners were under the necessity of retaining hostages, who could be no other than the English prisoners.

The undersigned, however, has the satisfaction to announce to the British commissioners, that after repeated representations, and the most earnest entreaties, the minister of marine has given orders, that the thirty English officers, of all ranks, who were taken prisoners at the capitulation of Breville, and sent to Rochelle in the Andromaque, should immediately be sent back to England.

(Signed) *J. Charretié.*

(No. 16.)

(No. 16.) Copy of an Order from the Commiſſioners for the Tranſport Service, &c. to the Agent for Priſoners at Plymouth:—Dated 30th April 1796.

By the Commiſſioners for conducting His Majeſty's Tranſport Service, and for the Care and Cuſtody of Priſoners of War.

Monſieur Bergeret, late captain of the French frigate the Virginie, taken by the ſquadron under the command of Sir Edward Pellew, having ſolicited permiſſion to return to France upon his parole, under the condition of not ſerving againſt his majeſty or his allies, and to return to England at the expiration of one month, unleſs he ſhall be able to obtain the releaſe of captain Sir William Sidney Smith, of his majeſty's ſhip the Diamond, now detained as a priſoner of war in France, in exchange: the right honourable the lords commiſſioners of the admiralty have directed us, by their order of yeſterday's date, to grant monſieur Bergeret his parole, on the conditions above mentioned: and therefore, we do hereby require and direct you to permit the ſaid monſieur Bergeret to proceed with a flag of truce to Morlaix, in any veſſel which he may be able to procure, either from Falmouth or at Plymouth, for the purpoſe of his conveyance thither, upon his ſigning the incloſed parole, and certificate of his being permitted to return to France, on condition that he does not ſerve againſt Great Britain or its allies, until the ſaid captain Sir William Sidney Smith is releaſed in exchange for him; but in caſe, after a ſtay in France of one month, he ſhall not be able to effect the exchange above-mentioned, that he will then return to this country, and ſurrender himſelf a priſoner of war; and you are to give him the incloſed certificate for his protection.

Given under our hands this thirtieth Day of April 1796.

Rupert George,
Wm. Aly. Otway,
John Marſh.

To *James White,* Eſq; agent for priſoners of war, Plymouth.

By command of the commiſſioners,
Alex. M'Leay.

(No. 17.) Tranſlation of a note from the commiſſioners for the tranſport ſervice, &c. to M. Charretié:—Dated 7th May 1796.

The lords commiſſioners of the admiralty having communicated to the underſigned, who are charged by the king with the care and cuſtody of priſoners of war, the orders of his majeſty to propoſe the exchange of Sir Sidney Smith, captain of his majeſty's ſhip the Diamond, and the under-mentioned officers, taken priſoners of war with him, on the 18th of this month, for French officers of the like rank, who may be pointed out to the ſaid commiſſioners, amongſt ſuch as are at preſent priſoners of war in England, they communicate, without delay, this diſpoſition to Mr. Charretié, and deſire that he will take the neceſſary meaſures to cauſe them to be informed of the

intentions

intentions of his government on this proposal.—In case it should be accepted, the commissioners will send to France, with the utmost dispatch possible, the French officers who may be demanded; but in waiting for the answer which they expect to that effect, it is their duty, in conformity with the orders which they have received, to inform Mr. Charretié, that the report which has been spread in England, that Sir Sidney Smith, and the officers taken with him in arms, and considered as prisoners of war, by the letter which the commandant of the port of Havre wrote to the first lieutenant of the Diamond, of which a copy is herewith inclosed, have been conducted to Rouen, and are there detained in prison.

The commissioners are charged to enquire of Mr. Charretié, if there be any foundation for this report, and if so, to represent to him how contrary it is to the usage of war, to impose upon officers taken prisoners, any other restraint than that of parole, which confines them to certain limits of a sufficient extent. It is according to these principles, that the British government has ever acted towards all French officers taken prisoners; and from every motive of humanity they are induced to hope that they have not, nor will have recourse in France, to any unusual act of restraint or severity towards the British prisoners in question, as such measures could not fail to draw on reprisals, which would augment the calamities already too numerous, and inseparable from a state of war.

Rupert George.
Ambrose Serle.
London, 7th May 1796. *John Schank.*
W. Ay. Otway.
John Marsh.

List of officers made prisoners of war with Sir Sidney Smith.

M. M. W. Knight.	J. F. Carrol.
J. W. Wright.	Ja. Boxer.
R. L. Coulson.	Edw. Morris.
Cha. Bearcroft.	Will. Harvey.

(No. 17. A.) Copy of a Letter from M. La Breteche, Commandant Havre, to the First Lieutenant of his Majesty's ship Diamond:—dated 18th April, 1796.

Havre, 29 Germinal, 4th Year of the French Republic.
(*18th April,* 1796.)

Sir,

I Have just received your letter of this date.

Mr. Sidney Smith is a prisoner of war, and treated with every attention due to his rank. His companions are equally well treated, and have not received any wounds, excepting William Becroft, a young midshipman, who is wounded in the hand and thigh.

Be assured, Sir, that your brethren in arms will find, in French generosity, due regard to their rank and situation.

La Breteche.

 (No.

(No. 18.) From Captain Bergeret, late of the Virginie, to the Lords of the Admiralty at London.

Paris, the 7th of June, 1796, 19 *Prairial, 4th Year of the French Republic.*

I Have fulfilled the engagement into which I had entered, relatively to my being exchanged for Captain Sidney Smith, of your navy, a prisoner in France. I asked his release in full confidence, persuaded, from the opinion which I formed in England, that he was there considered only as an ordinary prisoner of war; the government here have not so judged, and still considers otherwise. Happy, since I can no longer serve my country, to make a sacrifice to the duty which it has a right to exact from me, and to preserve, at the same time, the esteem of its enemies; I shall fulfil therefore my duty, and agreeably to my parole, return to my captivity.—I shall be in England within the time prescribed, unless you shall agree before that time to allow me to be exchanged for another person, or permit me to remain in France on my parole, until my exchange can be effected.

I have the honour to be,
with respect,
(Signed) *J. Bergeret,*
Captain in the Navy of the Republic.

(No. 19.) To the Commissioners of his Majesty, for the Care and Exchange of Prisoners of War, &c. &c. &c.

Walcot Place, 11th *June,* 1796.

The undersigned commissary of the Executive Directory, appointed to negotiate with the British administration a cartel for the exchange of the prisoners of war of the two nations, having transmitted to his government the official note of the 7th of May; has received an answer, containing observations, the consideration of which, on the part of the British government, may lead to the adoption of such suitable measures, as the reciprocal interest of both countries, and the sacred calls of humanity render so desirable.

The undersigned has the honour of representing to the King's commissioners, that the delay in answering the official note which he addressed to them on the 4th of April last, forming a real obstacle to the execution of the general cartel for the exchange of prisoners of war; the particular negotiation which concerns Sir Sidney Smith cannot be pursued, but as a consequence of general measures, to which all particular considerations should ever be subordinate.

The commissioners must perceive, that it cannot enter into the views of the French government, to make the fate of several thousand individuals depend on that of one man.

The undersigned has the honour to propose to the British government, to complete, as soon as possible, the arrangements for a general cartel, on the basis proposed by the undersigned, in his note of the 4th of April last.

If

If the British government could have hesitated on the subject, from the consideration, that the balance appears to be in favour of England, as to seamen, the undersigned begs to observe, that, in the result from the list of British prisoners of all kinds, there appears to be still a greater number of individuals of that nation not yet exchanged, and whose return is only delayed by (he will not mention the real difficulty) but by the indecision of the British cabinet, in not coming to a determination on a general measure. As soon as this measure shall be regulated and decreed, the undersigned will hasten to obtain the orders of his government, relative to the detention of Sir Sidney Smith, which appears to be altogether of a particular nature.

The French commissary invites the commissioners of the King to take into serious consideration the object of this note, to lay it again immediately before the Lords of the Admiralty, and to request of them to make known, without further delay, the dispositions of the British administration on this subject.

(Signed) *J. Charretié.*

(No. 20.) Copy of a Letter from the Commissioners for the Transport Service, &c. to Mr. Charretié.

Sir, *Transport Office, 28th June, 1796.*

We herewith transmit a copy of a letter from his Grace the Duke of Portland, one of his Majesty's principal secretaries of state.

On the subject of Sir Sidney Smith's detention in France, you will perceive that M. Bergeret's proposition, in the letter you lately transmitted to us, cannot be listened to, and that it is expected he will fulfil the engagement he entered into, unless Sir Sidney's immediate return to England should render the same unnecessary.

With respect to the other part of the Duke of Portland's letter, and which principally relates to an exchange of prisoners, we shall be ready to communicate with you thereon whenever you think fit.

We are, &c. *Rupt. George.*
Wm. Ay. Otway.
John Marsh.

(No. 20. A.) Copy of a Letter from his Grace the Duke of Portland to the Lords Commissioners of the Admiralty.

Parliament-Street, 23d June, 1796.

My Lords,

In the absence of Mr. Secretary Dundas, I have received your lordship's letter of the 14th instant, which I took the earliest opportunity of laying before the king, together with its several inclosures, relative to the proposed exchange of captain Sir Sidney Smith for M. Bergeret, of the French frigate La Virginie.

His Majesty has observed, with surprise and concern, that the expectation on which M. Bergeret had proceeded to France, of effecting his own exchange by procuring the return to this country of captain Sir Sidney Smith, has been disappointed. That officer must, however, be

 sensible,

fenfible, that whatever perfonal inconvenience he may experience in confequence of the determination of the French Directory to detain Sir Sidney Smith, can only be imputable to a mode of proceeding on their part, fo little correfponding with the attention which, during the prefent war, has been uniformly fhewn in this country to their wifhes on many occafions of a fimilar nature. It is impoffible for his Majefty's minifters to admit, or for the French Directory to eftablifh any juftifiable ground of diftinction between the cafe of Sir Sidney Smith and that of any other officer captured in his Majefty's fervice. The Britifh government would juftly be confidered as negligent of its own dignity, and deficient in the protection it owes this gallant officer, if it could allow any intimation of a fuppofed difference in this refpect to pafs unnoticed, or accede to any propofal which might be conftrued either into a virtual acknowledgment of fuch a difference, or into a difregard of the public truft, by facrificing the intereft and honour of the nation, to the wifh of reftoring an individual to the rights and advantages of which he cannot be deprived without a violation of juftice, and of the laws of nations. Should the ufages in this refpect generally prevailing between civilized powers, by difregarded in the treatment of Sir Sidney Smith, from an expectation on the part of France of thereby compelling this country to fubmit to a propofal, which would otherwife be refufed, that expectation will certainly be difappointed. Without confenting to a meafure fo injurious to the interefts of his kingdom, and of dangerous tendency as a precedent, his Majefty has other ample means of enforcing his anxious defire of procuring (fhould they, contrary to all expectation, be refufed) the fame protection and privileges to Sir Sidney Smith as to other Britifh officers captured in his Majefty's fervice.

His majefty, however, has ftill a proper confidence that the motives of juftice and humanity, which direct his conduct on this occafion, will alfo have a due weight with the French directory, and that, inftead of expofing both parties to frefh and unneceffary evils, by adopting any rigorous proceedings, or rejecting any juft reprefentation, they will feel no lefs anxious than himfelf to diminifh and alleviate, as much as poffible, the numerous calamities infeparable from a ftate of war.

Governed by the confiderations I have now ftated, his majefty does not think himfelf at liberty to confult his own inclination and Captain Bergeret's wifh, in allowing him to be exchanged for any other officer than Captain Sir Sidney Smith, or to remain in France on his parole.

With refpect to the propofal of a general cartel, made by M. Charretié, on the 4th of April, and referred to in his laft letter to the commiffioners for executing the tranfport fervice, and attending to the care and cuftody of prifoners of war, his majefty's confidential fervants are by no means adverfe to ftate their fentiments upon this point, obferving, at the fame time, that they ftand totally unconnected with, and independent of the meafures propofed for the exchange of Sir Sidney Smith againft Captain Bergeret, which differ in nothing from thofe by which every other partial exchange has been effected fince the commencement of hoftilities.

Without admitting the affertion, made by Mr. Charretié, that in the event of an exchange of prifoners of every defcription, the balance would be in favour of France, his majefty's minifters are willing and defirous that it fhould be propofed to the French directory, to prepare

on

on both ſides an exact ſtatement of the number of priſoners of war of every deſcription, diſtinguiſhing thoſe which have been returned on either ſide, and thoſe which remain to be exchanged, ſpecifying alſo their rank and ſituation in the reſpective ſervices of each country when captured; and as ſoon as theſe liſts can be completed, and mutually compared and examined by the proper agents, his majeſty would have no heſitation in authorizing your lordſhips to agree, through the regular channels, to ſettle and balance the account, as far as it could be effected by an exchange of priſoners, man for man, and rank for rank, until the whole number ſhould be reſtored by the power that might have the ſmalleſt proportion in its poſſeſſion; and as a farther proof of his majeſty's ſincere deſire that the priſoners taken on either ſide ſhould, as ſoon as poſſible, be reſtored to their reſpective countries; I am directed to acquaint your lordſhips, that, if it ſhould appear, upon comparing the above-mentioned liſts, that upon the whole number of priſoners taken on both ſides, in the courſe of the preſent war, there does not remain a balance of more than one thouſand men in favour of England, you will be at liberty to authorize the commiſſioners for executing the Tranſport-Service, and attending to the care and cuſtody of priſoners war, to conſent to a general exchange, taking credit for any ſurplus, not exceeding that number, which may be thereby reſtored. In communicating this diſpoſition to M. Charretié, the commiſſioners for executing the Tranſport Service, and attending to the care and cuſtody of priſoners of war, ſhould be inſtructed to expreſs an expectation, that on the contrary ſuppoſition; viz. of the balance being to that amount in favour of France, a ſimilar mode of proceeding will be adopted on their part. I think it right to ſtate, in order to avoid all miſunderſtanding, that all ſubſidized foreign troops, who have been made priſoners of war by the French, whilſt actually bearing arms under the command of Britiſh officers, and in the pay of Great Britain, are to be included in the arrangements of the exchange, upon the ſame footing as Britiſh troops.

His majeſty has judged it expedient, that, with a view of forwarding the above-mentioned arrangements (if conſented to by the French Directory) and of affording any aſſiſtance and protection to Engliſh priſoners in France, either by relieving their wants, or ſubmitting their repreſentations to the departments charged with this branch of the public ſervice, a proper perſon ſhould be ſent to reſide at Paris, in the ſame character and capacity as M. Charretié poſſeſſes here; and I am, therefore, to ſignify to your lordſhips, his majeſty's pleaſure, that M. Charretié is to be requeſted to make known to the French Directory this intention, and that you are to take care that a perſon of judgement and diſcretion be ſelected and ſent to Paris, with the neceſſary inſtructions and powers for the attainment of the ſeveral objects of his miſſion; which affords an additional proof of his majeſty's conſtant and earneſt deſire to dimiſh the diſtreſſes and calamities of war, as much as it can be effected, without neglecting thoſe duties, or injuring thoſe intereſts which he is bound to obſerve and maintain, as long as he ſhall be under the neceſſity of continuing to oppoſe the inadmiſſible pretenſions of his enemies, which for the preſent prevent the reſtoration of peace.

I am, my lords, &c.
(Signed) *Portland.*

(No.

(No. 21.) Projet of a general cartel for the exchange of all prisoners, taken at sea or on land, between France and Great Britain, including such who have been taken abroad, and sent into Europe.

Presented to the ministers of Britain.

It being the intention of our respective governments * to effect, for the mutual advantage of both parties, a general exchange of all the prisoners, taken by sea or land, † by the French republic and Great Britain, since the commencement of hostilities.

We the undersigned, influenced by the sentiments which have led our respective governments to desire and adopt this salutary measure, have considered it as an essential duty on our part to conduct the negociation which has been confided to us, in such a manner as to regulate it with all the frankness and probity required in a transaction in which humanity, justice, and true policy are so essentially interested.

We have exerted our best endeavours in forming this cartel, to establish the most perfect equality, and most complete reciprocity, and to obviate and conciliate with good faith such difficulties as might arise from the want of corresponding ranks in the military services of each nation, or from any other cause.

By virtue of the special authority with which we are vested by our respective governments:

On the part of his Britannick majesty, ‡

Messieurs Rupert George, Ambrose Serle, John Schank, W. A. Otway, John Marsh, — The commissioners for conducting his majesty's transport service, and the exchanges of prisoners of war.

And on the part of the executive directory of the French republic, by

Citizen Jean Charretié, — Commissary of the said executive directory, charged with the exchanges of prisoners of war, to take the necessary measures for carrying into execution a reciprocal release of prisoners:—

Have agreed on the following articles:

* Should the expression "Government" be objectionable, the British commissioners, in so far as regards England, may use that of H. B. M.; and in so far as regards France, that of the French nation; since, according to the political constitution of France, it does not acknowledge any sovereign, so that it may mention the intention of H. B. M. and of the French nation.

† This expression "or on land" appears to be proper, to prevent difficulties in an exchange, which is to be general with respect to all prisoners taken on either side, as it is certain there are such as have been taken on land, as well as at sea. The articles of the cartel will fix hereafter the order to be observed in the exchange in respect to the prisoners of different denominations.

‡ With respect to the difficulties which may arise from the nomination of one party before the other, it will be obviated by agreeing to draw up two instruments of cartel, in one of which one party shall be named first, and in the other instrument the other party.

1. All the priſoners who have been taken at ſea, as well as on land, ſince the commencement of the preſent hoſtilities, and who are detained in the dominions of either of the ſaid powers in Europe, and in like manner all priſoners who may be taken in future, and conducted into the ſaid dominions, ſhall be exchanged, man for man, according to their ranks and qualities, or for a certain number of common ſeamen or ſoldiers, as an equivalent; or for certain ſums, by way of ranſoms, as hereinafter ſpecified.

2. All officers belonging to the land ſervice ſhall be exchanged for other officers in the like ſervice, according to the following table of their correſponding ranks:

TABLE

Of the correſponding ranks of officers belonging to troops in the land ſervice of the two reſpective powers.

3. Soldiers of every deſcription, priſoners of one of the two nations, ſhall be exchanged for an equal number of the ſame deſcription of ſoldiers, priſoners of the other nation.

4. All the officers in the ſea ſervice, belonging to the ſtate; thoſe in merchant ſervice, or belonging to privateers, ſhall be exchanged for other officers in the like ſervice, according to the following table of their reſpective ranks; obſerving that a preference ſhall be given in the exchange to the naval officers of both ſtates.

T A B L E

Of all the correſponding ranks of the officers in the ſea ſervice of the two reſpective powers.

5. The ſeamen, priſoners of one nation, ſhall be exchanged for an equal number of priſoners of the other nation, obſerving the ſame preference in the exchange in favour of the ſeamen of the ſtate.

6. The cartel being adopted, admitting the general exchange, not only of the forces in the land and ſea ſervice, man for man, and rank for rank, but beſides, the exchange of land troops of one deſcription, againſt land troops of another deſcription; and alſo, the exchange of land forces of every deſcription, againſt the ſea forces, as well in the navy, as in the merchant and privateer ſervice, ſhall be carried into effect, according to a valuation or fixed equivalent, agreeably to the following tariff, obſerving, in ſo far as regards the ſeamen of the ſtate, a preference in the exchange.

T A R I F F

Of exchange of the land and ſea forces of the two reſpective powers.

Ranks.	Value of ranks in men.

7. The cartel, admitting alſo the mode of ranſom for the priſoners of either nation, which may remain after the final exchange of the priſoners of the other nation, affected according to the terms of the articles 2, 3, 4, 5, and 6, in conformity to the meaning of the firſt article hereof, the priſoners remaining ſhall be delivered up, for the ranſom fixed, according to the following tariff:

TARIFF

TARIFF.

Of ranfom of the land and fea forces of the two refpective powers.

Ranks.	Value of ranks in money.

8. All officers belonging to fhips of the ftate, frigates, floops, and other veffels, now prifoners on their parole, fhall be immediately exchanged according to the tenor of the prefent cartel; and all officers of fhips of the ftate, frigates, floops, and other veffels, down to the ranks of lieutenant and enfign, inclufive (but not of an inferior quality) fhall have permiffion in future to give their parole of honour, not to ferve until they may be exchanged, and to return to their own country by the moft convenient manner; and all fuch officers in the marine fervice of the refpective ftates, fhall be the firft exchanged, in preference to officers in the merchant fervice or privateers, as already ftated; and all the officers of inferior rank to that of lieutenant, who fhall be releafed in preference, fhall be carried to the general account of exchanges, and be at liberty to re-enter into actual fervice; alfo, all officers of the land fervice, now prifoners on parole, fhall immediately be exchanged, according to the terms agreed on in the prefent cartel. All the aforefaid officers, including the ranks of fecond lieutenant and enfign, but not of an inferior rank, fhall in future have permiffion to give their parole of honour, not to ferve until they may be exchanged, and to return to their own country by the moft convenient route; and all the officers of the land fervice, of inferior rank to that of fecond lieutenant and enfign, who may have already been liberated in preference, fhall be carried to the general account of exchange, and then be at liberty to enter into actual fervice

9. All phyficians, furgeons, and affiftant furgeons; officers employed in a civil capacity, as commiffaries, deputy commiffaries, affiftant commiffaries, both in the land and fea fervice, admirals fecretaries, and captains clerks, belonging to fhips of the ftate, merchant fhips, privateers, and other veffels; chaplains, inftructors, or fchoolmafters; purfers, or clerks of ftores; and in general all fuch as are not fighting men, *(non-combattants)* who are now detained as prifoners, as well as fuch as may be taken in future, fhall not be confidered as prifoners, but fet at liberty as foon as their fituation can be afcertained.

10. In the exchange of all the forces belonging to the land and fea fervice, all officers, foldiers, and feamen, prifoners of the moft ancient date, fhall be firft exchanged, as far as circumftances will admit.

11. All paffengers, not belonging to the land or fea fervice, in whatfoever veffels they may be taken, fhall not be confidered as prifoners, but fhall be fet at liberty, to return home, without being carried to the account of exchanges, as foon as they fhall have proved, by authentic certificates, that they really come within this exception.

All women, children, and fervants, under the age of twelve years, fhall neither be confidered as prifoners of war, nor carried to the account of exchanges, but notwithftanding fhall be allowed, in cafe of need, a fubfiftence in money, to the amount of 9d fterling each per day, or in provifions, to the faid fervants, if in prifon, until they may be enabled to depart; the faid women fhall have liberty to take with them

them a relation or friend to accompany them to their own country, and ſhould that relation or friend belong to the land or ſea ſervice, he ſhall be carried to the general account of exchanges.

Les Deportès (or perſons ſent from the colonies) are particularly included in this 11th article; they ſhall be returned to the place from whence they came, at the expence of the power by whom they have been detained, and are not to be carried to the account of exchanges.

12. Servants belonging to officers of ſhips of war, from thoſe of the higheſt rank to that of lieutenant and enſign, incluſive; thoſe of officers of the marine forces of the ſtate, as well as thoſe belonging to the land forces, taken either by ſea or on land, up to captains, incluſive; and thoſe of captains of merchant ſhips or privateers, whoſe crews may not be under fifty men, ſhall be ſet at liberty with their maſters, but they ſhall be carried to the general account of exchanges, and conſidered as common ſeamen or ſoldiers. All ſervants belonging to paſſengers of both ſexes, ſhall be at liberty with their maſters and miſtreſſes, without being carried to the account of exchange.

13. All perſons, of whatſoever denomination, on either ſide, who may be ſhipwrecked in merchant veſſels, navigating ſolely for the purpoſe of commerce, ſhall immediately be ſet at liberty, and be furniſhed with the neceſſary means for returning to their reſpective countries, as alſo with clothing, ſhould they ſtand in need of it, as ſoon as their ſituation ſhall be known, and the neceſſary meaſures can be taken to that effect; but all perſons belonging to armed veſſels, who may be ſhipwrecked on the coaſts, or on the iſlands, of either of the two nations, ſhall be conſidered as priſoners of war; the object of the veſſels ſo armed being to annoy and commit depredations.

14. All priſoners, not only belonging to the land but to the ſea forces, of both nations, who may have been, or ſhall be exchanged, before the preſent cartel may take place, either in preference, or by partial exchanges, ſhall be carried to the general account of exchanges, and proper liſts of the names and vouchers of ſuch exchanges ſhall be reciprocally furniſhed on each ſide.

15. Credit ſhall be given in the account of exchanges for all priſoners delivered up to the reſpective conſuls of both nations, conformably to the agreement now ſubſiſting between the two powers; and the ranks and ranſoms ſhall be regulated according to what has been agreed on, on that ſubject, in the preſent cartel; and the neceſſary original documents, or authentic copies thereof, ſhall be mutually furniſhed.

16. It ſhall expreſsly be forbidden, and not permitted by any means, that any intrigue, ſeduction, or force ſhall be uſed, to engage or compel any of the priſoners, on either ſide, to violate the fidelity due to their country, by engaging in the ſervice of the power in whoſe dominions they may be priſoners.

17. All priſoners taken in America, or any other part of the world, and carried into the dominions of either power in Europe, ſhall enjoy the advantages of the preſent agreement, and it ſhall be left to the good faith of both nations to arrange, according to the rules herein contained, the exchanges which may have been effected by virtue of any particular cartel, already agreed on between all perſons duly authorized by his Britannick majeſty, and the executive directory of the French republic reſpectively, relative to the priſoners carried

into any country, or into any ports, under the dominion, or in actual possession, of either power. And to remove all difficulties with respect to prisoners whose exchange shall be effected in the said countries or ports, proper orders shall be given, as soon as possible after the ratification of the present cartel, for the purpose of their being reciprocally set at liberty and exchanged, from time to time, without regard to their number or qualities; and the respective agents and commissaries, of both nations, shall forward, without any delay, the necessary certificates, that the balance of the general account of exchanges may be duly regulated between us.

Done, and sent to the commissioners of his Britannick majesty, the 31st of August 1796.

(Signed) *J. Charretié.*

(No. 22.) Letter from the Right Honourable Henry Dundas to the Lords of the Admiralty.

Parliament-street, 9th September, 1796.

My lords,

I have received and laid before the king your lordships letter of the 7th instant, together with the several papers therein transmitted; viz. a letter from the commissioners for taking care of prisoners of war, to your lordships: a letter from Mr. Charretié, agent for the French prisoners, to the said commissioners; a projet of a cartel for a general exchange of prisoners between England and France, presented by Mr. Charretié; and a printed copy of the general cartel established between these two powers in the year 1780.

Uniformly governed by motives of humanity, it is no less his majesty's earnest desire to alleviate, as far as circumstances will admit, the calamities inseparable from a state of war, than to procure the release of those of his subjects who have fallen into the hands of the enemy, and are still detained prisoners. These urgent considerations have induced his majesty, in the present instance, to overlook the obstacles which would otherwise naturally arise to Mr. Charretié's proposal, from the circumstance of the number of French prisoners in our possession being certainly much greater than that of British in the power of the enemy, and to consent that the necessary authority should be immediately given for establishing a general cartel upon the principles proposed by Mr. Charretié; I have in consequence received his majesty's commands to instruct your lordships to direct the commissioners before-mentioned, to enter into negotiation with Mr. Charretié, with a view of arranging, as soon as possible, a general cartel for the mutual exchange of prisoners of war, taken on either side, since the commencement of the present hostilities, in conformity to the projet presented by Mr. Charretié.

No objections have occured, either with respect to the substance of the projet, or the manner in which it is worded, of sufficient importance to induce his Majesty's confidential servants, by dwelling upon them, to run the risk of a delay in the conclusion of the cartel, except with respect to the latter part of the 11th article, which is absolutely inadmissible. Should his Majesty agree to the condition which

which is therein proposed, he would be under the necessity of sending back to the conquered colonies, now subject to his dominion, all those who have been removed from them, either for expressly refusing to acknowledge and submit to the powers established by his Majesty in those colonies, or because their behaviour and conduct tended to interrupt and destroy the peace and internal tranquillity of the same.—To require that such persons should be sent back to the colonies from whence they were removed, is so entirely inconsistent with every object of a cartel, and such a direct attempt at an inadmissible interference in his Majesty's authority and power over those colonies, that it appears most probable this stipulation has been inserted by some mistake, and will be withdrawn without difficulty; but whether I should be right in this conjecture or not, it must be distinctly explained to Mr. Charretié, that his Majesty will consent to all persons of the description therein mentioned being sent to France; but that should they be found again in the colonies from which they were banished, whilst they remain under his Majesty's government, the penalties enacted to prevent their return, will certainly be enforced against them to the utmost rigour of the law.

The alterations which have taken place in the land and sea service of France since the year 1780, may create some difficulty in settling the tables of exchange and ransom; but the commissioners for taking care of prisoners of war must endeavour to arrange this point with Mr. Charretié, who will probably be enabled to state the respective degrees of rank at present established in France for each service, with such information thereupon as may enable them to determine the corresponding gradations of rank in the British service. I have only to add to this observation, that his Majesty is not aware of any objection to the proportions established in the tables of exchange and ransom by the cartel of the year 1780.

No provision is made in the projet presented by Mr. Charretié, for the transportation of prisoners; but as many inconveniences may arise, if this part of the service is not regulated by some specific agreement, it is his Majesty's pleasure, that your Lordships should instruct the commissioners to propose to Mr. Charretié to insert in the general cartel, all the articles stipulated in that of 1780, from the 23d to the 26th, inclusive, making such verbal alterations only, as the change of circumstances in the French government may require.

It is his Majesty's further pleasure, that as soon as the general cartel shall be agreed upon between the commissioners and Mr. Charretié, your Lordships shall transmit a copy of it to me, in order that it may be submitted again to his Majesty's consideration, and obtain his final approbation before it shall be signed by either of the parties.

It will be necessary that no further time should be lost in sending to Paris the agent for prisoners, who may be appointed to reside there on the part of this country, in conformity to the Duke of Portland's letter to your Lordships of the 23d June, and that he should be exactly informed of the present state of the negotiation, and empowered to take such measures, and make such preparations as may depend upon him for bringing it to a conclusion, and giving it a full effect as soon as possible,

Your

Your Lordſhips will call the attention of the commiſſioners for taking care of priſoners of war, to the neceſſity of inſtructing the agent they may ſend to Paris, to take care that whatever allowances in money the Britiſh priſoners in that country may be entitled to from the French Government, be paid to them in its full value, to be determined by what was reckoned before the war the par of exchange between England and France, and not in any nominal value which may at preſent be current in that country.

I am, my Lords,

Your Lordſhips moſt obedient humble ſervant,

Henry Dundas.

(No. 23.) Extract of a Letter from the Commiſſioners for the Tranſport Service, &c. to M. Charretié :—Dated 22d Sept. 1796.

Sir,

On receipt of your letter, dated 31ſt of laſt month, incloſing a projet for a general cartel, we tranſmitted the ſame to the right honourable the lords commiſſioners of the Admiralty, who have directed us to enter into a negotiation with you, for arranging, as ſoon as poſſible, a cartel for the mutual exchange of priſoners of war taken on either ſide ſince the commencement of the preſent hoſtilities: and with a view of bringing it to a concluſion, and giving it a full effect as ſoon as poſſible, we acquaint you, that we purpoſe ſending a Gentleman (Henry Swinburne, Eſq.) to Paris, to reſide there as agent for priſoners of war, in the like capacity as you are permitted to do here; and have therefore to requeſt, that you will immediately apply to your government for his being furniſhed with the neceſſary paſſport.

We ſhall, with as little delay as poſſible, tranſmit to you, for the information of your government, a counter projet to that preſented by you; but ſhall be glad, in the mean time, to be informed as to the reſpective degrees of rank in the ſea and land ſervice at preſent eſtabliſhed in France, in order to enable us to determine the correſponding gradations of rank in the Britiſh ſervice.

We feel equally deſirous as you can be, of a buſineſs of ſo much moment to the cauſe of humanity being effected without difficulty or procraſtination.

We are, &c. *Rupt. George.*
Amb. Serle
W. Ab Otway.
John Marſh.

(No. 24.) Copie d'une Lettre de M. le Baron de Stael, Ambaſſadeur de S. M. le Roi de Suéde, au Baron de Silverhjelm. — Paris, le 23 Août, 1796.

J'ai eu l'honneur de recevoir votre lettre, par laquelle vous me recommandez Sir Sidney Smith de la part du miniſtre d'etat de S. M. Britannique: j'avois avant d'avoir reçu votre lettre fait tout ce qui dependoit de moi pour adoucir ſon ſort; j'en ai parlé au miniſtre de la guerre, & a celui de l'interieur, qui m'ont tout deux dit qu'ils feroient tout ce qui feroit dans leur pouvoir pour que le commodore ſoit

bien,

bien. J'ai demandé à le voir, mais cela m'a été refusé: quant à l'argent, l'ambassadeur d'Espagne lui en fournit, ainsi j'ai cru superflu de lui en envoyer.

(No. 25.) Copy of a Letter from the Commissioners for the Transport Service, &c. to M. Charretié :—Dated the 28th Sept. 1796.

Sir,

We have received directions from the right honourable the lords commissioners of the Admiralty to acquaint you, that notwithstanding the applications which have been made at Paris on the subject of Sir Sidney Smith, that officer continues to be confined, and permission to visit him refused even to a person of the first consideration: Their lordships therefore have come to the resolution of ordering all French officers now on parole (except such as are actually labouring under sickness or wounds) into strict confinement, until it shall appear that Sir Sidney Smith experiences the indulgences usually granted to officers who have been captured by the two countries respectively.

We are, &c. *Rupt. George.*
Ambrose Serle.
Wm. Ay. Otway.
John Marsh.

(No. 26.) Copy of a Letter from the Commissioners for the Transport Service, &c. to H. Swinburne, Esq. at London :—Dated the 2d of Nov. 1796.

Sir,

Having by our warrant under date of this day appointed you our agent to reside at Paris, for the purpose of attending to the relief of British prisoners in France, as also for carrying on under our direction a general exchange of prisoners, upon the principles which may be hereafter settled between the two countries: And the French government having agreed to admit you in such capacity, and transmitted to us through M. Charretié, the French agent for prisoners of war in London, the necessary passport, we direct you to lose no time in proceeding to Paris as our agent accordingly; and we think it proper to call your early and particular attention to the following points:

1st. That you procure and transmit to us an account of all British subjects now detained as prisoners of war, at the several ports and inland parts of France, their names, qualities, time of capture, and whether by sea or land forces, distinguishing such as are allowed the indulgence of parole.

2d. That you inform yourself as to the state of clothing of the prisoners, in order that we may be enabled to give you directions for the relief of those who may stand in need thereof—In the mean time we authorize you to purchase such articles as any of them may be in *absolute* want of, and to draw upon us for their cost.

3d. There is no part of the treatment of French prisoners here, either the well or the sick, that we should not be desirous to be open to every proper inspection; sensible as we are of the humane and generous means established to add every reasonable comfort their state of captivity

captivity will admit, and of the constant attention exerted to prevent or redress every possible abuse; and we flatter ourselves, so soon as you have had an opportunity of representing these circumstances to the minister of marine and of the colonies, every assistance will be afforded you, for your being furnished with proper lists of all places, where there are any British prisoners in prison, hospital, or on parole, in order that yourself, or any person you may make choice of, will be admitted into all the places of confinement, for preventing all imposition, and for the better execution of the commission entrusted to your care.

4th. You must be attentive that whatever allowance in money the British prisoners in France may be entitled to from the French government, be paid to them in its full value, to be determined by what was reckoned before the war the par of exchange between England and France, and not in any nominal value which may at present be current in that country; and you are to take care to inform yourself, whether there are any British prisoners, entitled from their ranks and qualities to parole, who do not experience that indulgence.

For your information and guidance we have directed that you be furnished with copies of the several regulations relative to French prisoners of war in this country, and of the allowance made to them, whether in confinement or on parole.

A number of French officers have been permitted from time to time, since the commencement of the war, to return to France, on their engaging not to serve until regularly exchanged; and as many of them do not appear to have effected the same, you will also be furnished with a list of their names, ranks, &c. in order that you may endeavour to ascertain, and report to us, the actual state of their exchange respectively.

Not having yet been furnished by M. Charretié with a list, which we requested of him, of the present ranks of naval and military officers in the French service, it has not been in our power to complete a counter projet to that which he was directed to present to us for a general exchange of prisoners, and which will immediately be prepared so soon as the said list shall have been presented to us.

We are, &c. &c.

Rupert George.
Ambrose Serle.
John Marsh.

(No. 27.) Copy of a Letter from Mr. Swinburne to the Minister of Marine and Colonies at Paris.

Sir,

Knowing, from the experience of many years, how forcibly French generosity is worked upon by the feelings of humanity, and by compassion for unhappy sufferers, I do not hesitate to apply to you for leave of admission to Sir Sidney Smith, now a prisoner in the Temple.—The motives of this request are fair, and simply what I here expose: I wish to convince him that he is neither neglected nor lost sight of by his country, to administer comfort to him, to inspire him with resignation, and thereby to quiet the minds of all those who so earnestly in-

 terest

tereſt themſelves in his welfare.—I hope that the effect of my viſit will not prove detrimental even to the eſſential objects of my miſſion.

I am, &c.

Henry Swinburne.

(No. 28.) Extract of a letter from Mr. Swinburne to the miniſter of marine and colonies.

18*th November* 1796.

Sir,

I am well aware that you may conſider me importunate by writing to you ſo frequently on the ſubject of Captain Sidney Smith; but I am at preſent compelled by humanity, as well as by the duties of my miſſion, to expoſe myſelf even to your cenſure, rather than to permit difficulties to exiſt, which might prevent the accompliſhment of the projected cartel, and thereby the relief of at leaſt fifteen thouſand priſoners.

The buſineſs of Captain Sidney Smith is one of thoſe difficulties; and it is with great trouble that I have hitherto prevented the poſitive inſtructions from being carried into effect, which (though it is not for me to judge of the neceſſity of them) could not have failed to produce the moſt diſaſtrous conſequences to a great number of thoſe unfortunate perſons.

The buſineſs of Captain Sidney Smith reſts more on a point of honour, than of real importance. The executive directory wiſh to retain him in priſon, that they may ſecure the perſon of a dangerous man: the Engliſh government conſiders, that its own dignity, and that of the Britiſh navy, require that this priſoner ſhould enjoy the privileges which are granted, without exception, to thoſe of his rank. Both parties, by theſe means, give a greater degree of importance to an individual than the body of the Engliſh navy is willing to allow him. That corps, conſiſting of above eight hundred admirals and captains, can never admit that any one of its members is entitled to this diſtinction, this preference even in ſufferings.

But is it not ſo eaſy to find means for preſerving the point of honour on both ſides? Let us ſuppoſe that the executive directory ſhall relax a little of its ſeverity, and grant a permiſſion to Smith to be allowed his liberty on his parole of honour, and that his ſword ſhould be given him, and that ſome place of parole ſhould be aſſigned him, either the city of Paris, a ſection, a ſtreet, a garden, a court, &c. no matter which; ſo that he may be a priſoner on parole, the Engliſh government will be ſatisfied, and the directory will conſtantly have this man under its eye. Lord Malmeſbury authorizes me to inform you, that he will be reſponſible for him; and were it not preſumptuous in me to believe that any value was attached to my guarantee, I would alſo offer myſelf.

If theſe ideas appear to you worthy of any attention, you will perceive, at the ſame time, of how much importance your ready compliance muſt be at this conjuncture.

I have, &c.

H. Swinburne.

(No. 29.) Extract of a Letter, with copy and translation of its inclosure, from Mr. Swinburne to the commissioners for the transport service, &c.—Dated Paris, the 25th November 1796.

It grieves me not to be able to announce to you any progress in my mission; but I have to deal with an office either so confused or so negligent that daily attendance, entreaties, and remonstrances are alike unable to obtain any thing satisfactory—Though I am well acquainted with the present disordered anarchical state of their government, that they are without money even to pay their clerks, some of whom have destroyed themselves lately through want; without power to enforce their orders, and ignorant of the extent and functions of each department; yet I am confident that there is something more than negligence at the bottom of their proceedings—The cartel being a project of their own which they seem to cherish, I did hope it would have been forwarded with particular attention. There must therefore exist some secret crooked reason for their delay in providing me with proper lists of prisons and prisoners, in answering my letters concerning Sir Sidney Smith, &c.—I take this to be their secret mode of reasoning: "The French prisoners are well fed, paid, lodged, and clothed in England, and can meet the rigours of winter without danger to their health or limbs, and we have nothing to do but to push the cartel that we may get them all returned in a mass, and better condition than when they were taken; fit at once to man our fleets. The completion of the cartel is then our main and sole object; till the counter projet arrives, why give ourselves any trouble with the English prisoners—why enter into discussions about the state of our prisons—the food or allowance of the prisoners—the regularity of parole, &c.—especially as we have given them no money, and have none to give them—what is to us what the English prisoners suffer from cold and want, or, like many of their countrymen taken during our late troubles, lose their limbs in our gaols?" They also spin out the business of Sir Sidney Smith in hopes that the counterprojet will arrive, and that I shall be instructed to proceed immediately to settle its terms and regulations.—My opinion on the matter is decidedly formed, and I submit to your better judgment whether it will not be advisable to write to me, that until I shall have made a proper return to the board of the number of British subjects imprisoned in France, their state of health, and their places of confinement, till I shall have visited them, or relieved their immediate wants, you cannot send over any counterprojet of general exchange, or authorize me to enter into any treaty. The sooner I can be thus instructed the better, as I dread the cartel's being sent over before I shall have carried one single point.

I inclose you the answer I received to my demand of leave to see Sir Sidney Smith, whose situation has been much amended since our earnest and unceasing reclamations; the executive directory appears to be much softened, and if the attention of so unsettled a government could be kept fixed for a time to any object, I really think we should get him released upon parole. He is very well treated, and occupies the apartments of the late unfortunate royal family, is allowed to write and receive letters, but his life is in constant danger; he is confined with a band of miscreants who probably meditate their escape by force, and

as Sir Sidney has already joined the turnkeys to repel their preceding attempts, he will no doubt be considered as an enemy, and massacred. Since I have received the minister's answer, I have not been able to extort his order for admission to the goaler, and you will see by the dates how many days have elapsed in this state of suspence, not one of which has passed over without a message from me.

Copy of a Letter from the Minister of Marine to Mr. Swinburne.

21st November 1797.

Sir,

I took the earliest opportunity of laying before the minister of general police, your wishes to pay a visit to captain Sidney Smith; I persuade myself, that my colleague will have as little difficulty as myself in affording you this satisfaction.

(Signed) *Truguet.*

(No. 30.) Extract of a Letter from Mr. J. Christian, dated Dunkirk, the 19th of December 1796, to Mr. Swinburne, at Paris.

" My clerk, whom I sent to Arras, as already advised, stopped a day there, and another at Air, to visit the prisons in both these places, and to get the best account he could for the time of prisoners, of which you have lists inclosed.—Those in the hospital at Arras are, he tells me, taken pretty good care of; but those in the hospital at Air, in the most miserable condition, dying daily, from the filth and stench of a dirty small room, where above 40 sick are pent up with the English prisoners, and who must all soon make their exit, if not taken better care of, or removed to a larger or more airy room; and my young man says, the stench was so horrid, that if he had remained there half an hour it would have killed him; he could not even stay there to make out his list, but was obliged to leave it to one of the prisoners to finish; so that you should not lose an hour in applying to your board of commissioners, to order the commissary of marine at Air to have them relieved; you may tell them, that you are informed of *their most miserable state*, without saying more.—The gaoler should have directions to allow such of them to go out as are able, of which I fear there are not a great many, to air themselves for an hour or two every forenoon; and perhaps an hour in the afternoon, though doubly guarded if he thought proper; and when they are out of the room, two or three of the most healthy may be employed in taking out the filth, sweeping, opening the windows, and fumigating the room with rosin, brimstone, or cork-wood shavings, sprinkling it with vinegar, and washing the walls with it, and have a bottle of it every day to dip a rag in, to bathe their nostrils and temples; and have a large allowance of clean straw, at least once a week, besides having the floor laid over with dry sand, an inch or two, once a week, which would imbibe the damp and foul air; and the prisoners, for their own preservation, should spare no pains in keeping themselves and their room clean, as it is for want of this they are so subject to gaol and pestilential fevers."

P.S. Since writing, I find the commissary has sent the 20 blankets to the prisoners, and, as he says, has ordered the benches for their bedsides to be made.

Translation of a letter from Mr. Swinburne to the Commission of Exchange.—Dated Paris, 25th December 1796.

I have received information of the prisoners in the hospital at Air, being lodged and treated in a manner shocking to humanity, and I request your interference for the remedying this evil.

There are above 40 sick prisoners confined in one small room, and they die daily, more owing to the abominable infection of the place (which is never cleaned nor aired) than to disease; the dampness of the place, want of straw, and the little care that is taken of them (if you do not make a proper regulation) will ere long rid us of all care respecting them.

Henry Swinburne.

(No. 31) Extract of a Letter from Henry Swinburne, Esq. to the commissioners for the transport service, &c.—Dated Paris, the 10th January 1797.

The prisoners at Dunkirk are already provided with the clothing that was absolutely necessary. Scarce any of the prisoners have been allowed to come on shore with more than they had on their backs, having been taken by petty rapacious privateers. Part of those at Amiens are relieved; some delay arises from the roguery of the contractor, which requires correcting, but I expect to-morrow to hear of the whole number being furnished with what, in this very rigorous season, is indispensably necessary for their preservation. It is scarce credible how the treatment of prisoners varies in different depots, much depending upon the will and also the means of the commanding officers. At Arras the prisoners are in barracks, with beds and blankets, plenty of rice, and two sous and a half per diem; at Dunkirk only a few blankets could be obtained; at Amiens nothing at all, and no pay for a long time back. I have been obliged to order for the two hundred men, a sufficient range of beds of rough planks, raised from the ground; the expence has been trifling, and I am happy to hear has been well employed, as it keeps them out of the reach of a destructive humidity and filth, of which they have hitherto been the victims.

(No. 32.) Circular Instruction to captains superintending prison ships at Portsmouth and Plymouth:—Dated Admiralty Office, 10th Jan. 1797.

By the commissioners for executing the office of lord high admiral of Great Britain, Ireland, &c.

Whereas we have appointed you captain of his majesty's prison ship Prudent, at Plymouth, for the purpose of superintending the prison ships at that port, the Bienfaisant and Europe, and the prisons in the neighbourhood thereof, used for the confinement of prisoners of war, and have directed the lieutenants commanding the said prison ships to put themselves under your command, and follow your orders for their further proceedings; you are hereby required and directed to take them and the said ships under your command, and the prisons above-mentioned under your superintendence accordingly.

 You

You are hereby further required and directed frequently to visit the prison ships under your command, and the prisons on shore as abovementioned, in order to see that the regulations, directed by the Transport Board to be observed by the officers having charge of prisoners of war confined therein, be strictly complied with, and the several articles of provisions, clothing, &c. to which the prisoners are entitled, or are allowed, be duly and constantly supplied to them; and that every possible attention be paid to the comfort of the said prisoners, particularly to such of them as from sickness or disease may require medical aid and assistance.

You are to hear all such complaints with respect to their treatment, as the prisoners may from time to time make to you, and to take such steps for the immediate redress of the grievances complained of, as you may judge necessary and proper, as far as the same may depend upon you; but when any complaint may be made to you, which you shall not judge yourself competent to remedy, you are immediately to report the same to us, that such directions may be given thereupon, as we may judge proper, and the nature of the case may require.

You are to keep a journal of all your proceedings relative to your present appointment, in which is to be inserted the day and hour you shall have visited the several prisons and prison ships under your command and superintendence, with such observations respecting the persons employed there, and the treatment of the prisoners, as may occur to you, taking care to transmit a copy of the said journal once a week to our secretary, for our information, so that the same may arrive at the office on a Monday.—Given under our hands, the 10th January 1797.

P. Stephens,
J. Gambier,
W. Young.

Capt. C. H. Lane, Plymouth.

By command of their lordships,
Evan Nepean.

N. B. The like directions given to Capt. Rawe, to superintend the prison ships at Portsmouth; and Capt. Douglas has been recently ordered to superintend the prison ships in the river Medway.

(No. 33.) Extract of a Letter from Mr. Swinburne to the Commissioners for the Transport-Service, &c.—Dated Paris, 19th January, 1797.

I yesterday received your letter of the 9th, inclosing one from Mr. Nepean, relative to Sir Sidney Smith. I have hitherto paid every attention in my power to his situation, and shall report whenever I learn concerning the proceedings instituted against him. You will please to represent to their lordships, that, as I have have not yet been allowed to visit the prisoner, or to inspect any papers from which I could derive a regular knowledge of the accusations, proceedings, and defence, I must be extremely cautious in my communications, lest I should mislead their lordships opinion.

On receiving your letter, I waited on the commission des echanges, and was officially acquainted, by two of its members, that the case of Sir Sidney Smith had been originally committed to the investigation of the minister of marine, but had been taken out of his hands to be put into those of the minister of justice. I was shewn a schedule of papers

respecting Sir S. Smith, delivered to Citizen Merlin, minister of justice, with his receipt at bottom, but was not permitted to examine the schedule. The commissioner then informed me, that my applications in future upon that subject, were to be made to the minister of justice, and I shall accordingly proceed in that line.

In consequence of the information which I have received, I wrote the inclosed letter to the commission des exchanges.

(No. 33. A.) Copy of a Letter from Mr. Swinburne to the Commission of Exchange at Paris; dated the 16th January, 1797.

To the commissaries, &c.

I have just received the complaints of several English prisoners, in confinement at Angouleme, extracts from which I shall lay before you. Not being able, from my own observation, to know whether they contain real facts or exaggerations, I can only transmit them to you as I have received them. I am aware how difficult it is to prevent any abuse in so extensive a department of government, comprehending so great a number of inferior officers; but I know also, how much you have at heart, that the beneficent intentions of government shall not be eluded, and with what readiness you will order and enquire into the foundation of those complaints, and direct that they shall be redressed.

Four officers complain, that during 81 days they have neither received money nor provisions, and that, not having been able, as yet, to obtain any pecuniary assistance from their own country, they are on the point of perishing for want.

Thirteen others, masters of merchant vessels, write to me, in the names of the other prisoners, stating, that the bread and other provisions issued to them are of the very worst quality, that many of their companions are ill from hunger and cold, and that many have actually perished.

Henry Swinburne.

(No. 34.) Extract of a Letter from the Commissioners for the Transport Service, &c. to Mr. Swinburne:—Dated the 28th of Jan. 1797.

We herewith transmit, for your information and guidance, copy of an order from the right honourable the lords commissioners of the admiralty, transmitting copy of a letter which their lordships had received from Mr. Secretary Dundas, under date of the 20th of this month, and of which we also herewith send you a transcript. It gives us very great satisfaction, that your conduct in the discharge of your duty has been such, as to merit his majesty's gracious approbation.

We approve of all you have done respecting clothing, and other matters of accommodation, for such of our prisoners as stand in need thereof; and now direct you to pay, or cause to be paid, to all British subjects now detained as prisoners of war in France, as well as to those who may hereafter be captured, the daily allowances in money, according to their several ranks and qualities, as stated in the inclosed paper (No. 34. B.)

In

In your letter, you ſtate that the priſoners in the inland parts of France receive no allowance from the French government: We wiſh to know whether, from the opportunities you muſt have had of conferring with the miniſter of marine and the commiſſioners on this ſubject, any alteration has taken place with reſpect to thoſe priſoners, as well as to the general mode of treatment of Britiſh priſoners in France, ſo widely different from that which the French experience in this country.

We think it right to remind you of the very great expence which this country has been, and continues to be put to, in clothing French priſoners. M. Charretié ſupplied ſome of them occaſionally, but which for about twelve months paſt he has not done; you will, therefore, take an early opportunity, ſhould you not already have done ſo, of repreſenting this matter to the commiſſioners of exchange, that the conduct of the two countries may be in this reſpect reciprocal.

(No. 34. A.) Copy of a Letter from Mr. Secretary Dundas to the Lords Commiſſioners of the Admiralty.

Parliament Street, 20th January, 1797.

My Lords,

Your lordſhips letter to the duke of Portland of the 26th of laſt month, incloſing copies of ſeveral letters and papers, containing an account of Mr. Swinburne's proceedings in the execution of his inſtructions, for effecting an exchange of priſoners of war between this country and France, has been tranſmitted to me by his grace, and I have had the honour to lay it, with its ſeveral incloſures, before the king.

His Majeſty obſerved, with much ſatisfaction, the proofs of zeal, judgment, and diſcretion manifeſted by Mr. Swinburne in the opening of the negotiation entruſted to his care; and I am commanded to deſire, that your Lordſhips will take the neceſſary ſteps for informing him, that his conduct has me with his Majeſty's perfect approbation.

I am further commanded to ſignify to your lordſhips his majeſty's pleaſure, that the perſons, priſoners in the country, who have been demanded by the French government in exchange for certain Britiſh priſoners, in whoſe behalf Mr. Swinburne, by deſire of Lord Malmſbury, had applied to the miniſter of marine at Paris, as it appears by his letter of the 4th ult. ſhould be immediately releaſed and ſent to France, in order to effect this exchange, and that Mr. Charretié ſhould be allowed to ſelect ſuch other French priſoners as he may think proper from thoſe now in this country, in order to complete the exchange of the other Engliſh priſoners named in the above-mentioned letter, without any other reſtriction to his choice in this reſpect, than the eſtabliſhed regulations of correſponding rank and numbers, generally obſerved in all tranſactions of this nature. Subject to this condition only, it is his Majeſty's pleaſure, that Mr. Swinburne ſhould be authoriſed to inform the commiſſioners, appointed by the French government for eſtabliſhing the cartel, that any French priſoners now in this country, in whoſe behalf ſpecific applications of the above deſcription may be hereafter made, either by them, or by Mr. Charretié, will be releaſed and ſent back to France, provided they will engage, that a ſimilar attention and practice ſhall be obſerved by the French

government

government with respect to any British prisoners in France, who may be demanded in the same manner, either by him directly, or through Mr. Charretié, by the commissioners for executing the transport service, and attending to the care and custody of prisoners of war.

As a further proof of his majesty's earnest desire to remove every obstacle and cause of delay to the attainment of an exchange of prisoners, as general as possible between the two countries, it is his majesty's pleasure that Mr. Swinburne should be authorized to propose to the French commissioners above mentioned, to drop all discussion respecting the rights acquired to either party, in consequence of any partial exchanges which have taken place since the commencement of hostilities. The result of these partial operations certaily is, that a cosiderable number of prisoners is, upon the whole, now due by France to this country, in order to balance the account, and in foregoing his unquestionable right to claim this number, his majesty, without any further reference to his pretensions in this respect, is desirous that a proposal should be made to the French commissioners, to agree to exchange the prisoners of the two countries respectively, man for man, and rank for rank, until no more prisoners remain on one side, leaving to the power possessed or the greatest proportion, the right to retain the remaining number, whatever it may be, until the conclusion of a peace between the two countries, when they shall be sent back, according to such regulations and under such conditions as may be then agreed upon between the two powers.

With respect to prisoners of war taken in the foreign possessions of France, which have submitted to his majesty's forces, and persons banished from those possessions, the following is the only line of distinction which can be made by this government, and to which it is impossible any reasonable objection should be urged by the government of France: all persons taken in the said foreign possessions, holding military commissions from the French government, or bearing arms against his majesty under persons holding such commissions, must be considered as prisoners of war; whilst on the other hand, persons removed or banished from the said possessions, after they had submitted to his majesty's authority, either for a rebellious resistance to that authoirty, or from any other motive connected with the internal safety and tranquility of those possessions, will be considered as detained under civil regulations of police, or as banished from those parts of his majesty's dominions; and whenever persons of this description may find their way to France, they will not be reckoned as prisoners of war, nor will any claim for restitution of English prisoners be made by this country on account of any such return; but it becomes a necessary consequence of this principle, admitted on the part of his majesty, that the French government can have no right to claim such a return, nor to interfere in the regulations of police, which may be established in this country or in its foreign possessions, as with respect to the said persons.

Your lordships will take care that Mr. Swinburne should be furnished as speedily as possible with such instructions as it may be necessary to transmit to him in conformity to this letter.

I am, &c.

Henry Dundas.

(No. 34. B.) Allowances to be made to British Prisoners of War in France; — enclosed in a Letter from the Transport Board to Mr. Swinburne, dated 28th January, 1797.

IN THE KING'S SERVICE.

Captains — — Lieutenants — — Commissioned officers, of marine or land service — —	12 sols per day.
Masters — — Masters mates — — Pilots — — Midshipmen — — Volunteers, if gentlemen of family Passengers of genteel rank — Captains clerks — — Schoolmasters — — Boatswains — — Gunners — — — Carpenters — — Pursers — — Surgeons — — Surgeons mates — — Chaplains — — —	2 livres per week, or about 3d per day.
All other persons in or out of prison	1 livre per week, or about 1½d. per day.

IN THE MERCHANTS SERVICE.

Captains — — Mates — — — Prize masters — — Pilots — — — Surgeons — — Clerks — — — Passengers of genteel rank —	2 livres per week, or about 3d. per day.

(No. 35.) Extract of a Letter from Mr. Swinburne to the commissioners for the Transport Service, &c.—Dated Paris, the 6th of February, 1797.

My conference yesterday with the minister of justice, produced no other information, than that the business of Sir Sidney Smith was no longer in his hands, and that I was to expect my answer concerning him through the channel of the minister of the marine. Since it is once more returned to this office, there is some hope of our getting rid of what is as much a stumbling block to them as to me; one of the commissioners has engaged to begin the proper enquiries without delay.

The

The communication of the particulars contained in Mr. Dundas's letter to the Admiralty, has made an agreeable impression; the minister of marine loſt on time in imparting its contents to the Executive Directory, and I am happy to ſay, that the French government ſeem pleaſed with this return of good humour between the two nations in one point, which may perhaps tend imperceptibly to deaden animoſity in many others.

The requeſt I lately made, that I might be permitted to ſend my ſecretary or others round to the different depôts, has met with a refuſal; the plea is, that in theſe critical times of conſpiracies, elections, and diſturbances, it would be extremely improper and dangerous for any perſon to make his appearance in the departments as a Britiſh agent; that government could not inſure him protection from inſult. I muſt therefore perſevere in my preſent line, under all its inconveniences, and extend my correſpondence as much as I can.

(No. 36.) Copy of a Letter from Mr. Swinburne to the Commiſſioners for the Tranſport Sevice, &c.—Dated Fontainebleau, the 17th February, 1797.

Gentlemen,

I tranſmit you the incloſed papers with very ſincere pleaſure, and you will, I am confident, receive no leſs ſatisfaction from the peruſal. The truſt repoſed in me by his majeſty draws to a happy concluſion; God ſend that its ſucceſs may be a forerunner of the ſtill more extenſive bleſſings of peace. I ſhall enter into no comments upon the Preliminary Convention I have ſigned, as in fact it is little more than a copy of his majeſty's gracious and humane inſtructions forwarded to me through his ſecretary of ſtate. As ſoon as I receive an anſwer relative to the two unadopted articles, I ſhall proceed to ſettle them with the commiſſion of exchange.

I remain,
Gentlemen,
Your moſt obedient ſervant,
Henry Swinburne.

(No. 36. A.) Copy of a Letter from the Commiſſion of Exchange to Mr. Swinburne.

Paris, 16 *February*, 1797.

We have been directing our attention to the ſubject of your letter of the 3d of February laſt; and we apprehend, that we can in conſequence propoſe to you a convention, which embraces all the objects which you tranſmitted to us, on the part of the Britiſh government.

We beg you will be pleaſed to inform us, in marginal notes, if you adopt the different articles of this projet, that we may be enabled to give the arrangement of the definitive convention in queſtion, and jointly ſign the ſame.

G. J. Cottrau.
M. A. Granet.
M. A. Bourdon.

(No. 36. B.) Preliminary Convention entered into between the Citizens composing the Commission for the Exchange of Prisoners at Paris, and Mr. Henry Swinburne, Commissary on the Part of His Britannick Majesty.

It appears, from the letter written by Mr. Henry Swinburne, the British commissary, of the 3d of February 1797 (Old Style) to the commissaries for the exchange of prisoners, that he is, at last, authorized to agree with the said commissaries on the preliminary measures, relative to exchanges. The commissaries cannot but give their full approbation to the humane intentions expressed in the said letter from Mr. Swinburne; and being fully persuaded, that the basis which he proposes is, in every particular, conformable to justice, and to the reciprocal interests of the two nations, it proposes to the British commissary, to sign the following agreement, every article of which shall be religiously observed by both parties.

Article 1.—Citizens William Joseph Cottrau, Mark Anthony Bourdon, and Mark Anthony Granet, composing the commission for the exchange of prisoners, in the name of the French government, and Mr. Henry Swinburne, his Britannick majesty's commissary, desirous to remove the obstacles which have hitherto impeded the exchange of prisoners of war, and wishing to fix, in an unalterable manner, on a proper and uniform mode, that may accelerate such exchanges, do agree as follows:

Article 2.—All partial exchanges, which may have been effected on either side, since the commencement of hostilities between France and England, previous to the signing the present convention, are confirmed; of consequence, the English and French prisoners already returned to their respective countries on their parole or oath, are freed from the obligation to send back in return a prisoner of the same rank.

Article 3.—Whatever may be the balance resulting from the partial exchanges effected, according to the clauses of the preceding article, each government respectively gives up the advantages which it might possess, in this particular, over the other. So that, reckoning from the day of the signature of the present convention, every thing that has passed since the commencement of hostilities, relative to the partial exchanges, shall be considered as an account closed, and definitively balanced on both sides.

Article 4.—Computing from the day of signing the present Convention, measures shall be respectively taken for the exchange of prisoners belonging to each nation, man for man, and rank for rank, till none shall remain on one side.

Article 5.—The surplus of prisoners which shall be found to belong to one of the powers, shall form the balance which that power may have to receive of the other. In consequence, an accurate muster-roll shall be made out of the prisoners then remaining, distinguishing their ranks, and this balance shall be made good, either in men or in money, at the period of a peace between the two countries.

Article 6.—The object of the present Convention being to alleviate the sufferings of the victims of war, the excess, forming the above-mentioned balance, shall immediately be liberated, after the muster-roll shall have been prepared; and it is expressly stipulated, that the

said muster-roll shall be made out in the space of one month, of the prisoners in Europe, in the space of three months, of those in the colonies in the West Indies, and as soon as it can possibly be done, of those in the East Indies.

Article 7.—No civil officers, passengers, or other individuals, not bearing arms, shall be considered as prisoners of war: and this exemption shall equally extend to individuals sent off or banished from the captured colonies. In consequence, all persons, comprized in the several classes before named, shall forthwith be sent back to their respective countries, without being included, by any means, in the balance of exchanges.

Done at Paris, this 29th Pluviose (or 17th February, 1797)

(Signed) *H. Swinburne,*

(Signed) *G. J. Cottrau.*
M. A. Bourdon,
Granet.

(No. 37.) Extract of a Letter from the Commissioners for the Transport Service, &c. to Mr. Swinburne:—Dated the 18th February, 1797.

In our letter to you of the 2d of November, we expressed a hope, that either yourself, or some person you might make choice of, might be permitted to visit *all* the places where British prisoners are confined or on parole, as you well know M. Charretié is allowed to do here; we are therefore surprised to observe, by your letter of the 6th, that your request on this subject has met with a refusal.

We have heard from Lieutenant Phillips, of upwards of sixty of our masters of merchant ships, and passengers, being at Pontanezan, where they are confined in prison with about nine hundred seamen, without any distinction; that their situation is deplorable, not being suffered even to go out of the prison into the yard belonging thereto, to breathe fresh air, so that the effects from such treatment must shortly prove fatal to many; that they are only allowed ten ounces of bread, or three biscuits, two ounces of very bad salt beef, or, in lieu thereof, one ounce and a half of cheese, for their daily subsistence. We learn also from other quarters, that the conduct of the under commissary of prisoners at Brest is inhuman and brutal in the extreme towards the unfortunate men that the fate of war has thrown into his hands; and it must be on account of such treatment that numbers of them have entered, and, as we are informed, still continue to enter into the French service. We direct you to cause the most strict enquiry to be made into this matter, and should it appear that the information we have received is correct, it will then be essentially necessary that you should remonstrate thereon to the commissioners d'echange in terms the most likely to prevent any further cause for similar complaints. It is needless to add (because you are thoroughly informed) how different such treatment is from that uniformly shewn to French prisoners in this kingdom; and we flatter ourselves, from the reports you have from time to time made to us, that the commissioners d'echange will on this occasion give you a further proof of their attention to your representations.

(No. 38.)

(No. 38.) Extract of a Letter from Henry Swinburne, Eſq. to the Commiſſioners for conducting his Majeſty's Tranſport Service, &c. —Dated Paris, 25th February, 1797.

From the incloſed note of the miniſter of juſtice, you will infer as I do, that, it is the intention of the French government to keep Sir Sidney Smith confined till the peace, and to avoid giving any decided anſwer. The commiſſion des echanges thinks with me, that it would be noble to return a poſitive refuſal, as our Admiraly has done with regard to Bérgeret; but they are not authorized to ſpeak upon the ſubject.

Tranſlation of a letter from the miniſter of juſtice to M. Swinburne: Dated Paris, 19th February 1797.

I have only to repeat to you, ſir, what I mentioned in converſation, viz. that I have laid before the executive directory the report which it had required from me, on the ſubject of Sidney Smith; that the executive directory has not yet come to any determination on that report; and that, without doubt, it will communicate to the miniſter of marine and the colonies the deciſion which it may feel its duty to adopt on this ſubject.

Accept, ſir, the aſſurance of my perfect conſideration.

The miniſter of juſtice,

(Signed) *Merlin.*

(No. 39.) Copy of a letter from the commiſſioners for the tranſport ſervice, &c. to M. Charretié:—Dated the 20th of March 1797.

Sir,

Upwards of twelve months have elapſed, that, on account of your having diſcontinued to furniſh French priſoners of war with clothing, we have been, and continue under the neceſſity of ſupplying the conſiderable number now in confinement and on parole, in this country and in Ireland, with clothing, in order to prevent thoſe diſtreſſes and calamities which otherwiſe they would have been expoſed to, and muſt have ſhocked the public humanity: you cannot but be ſenſible of the heavy expence which attends the ſupplies in queſtion, and we therefore deſire you will take the earlieſt opportunity of writing to your government on the ſubject, which naturally is acquainted with the circumſtance of our agent at Paris having had directions from us to purchaſe not only clothing, but alſo ſome articles of bedding, for ſuch of our priſoners in the different depôts of France as ſtand in need thereof; the French government not having to our knowledge been at any expence whatever in clothing Britiſh priſoners; and we truſt that it will, upon a full conſideration of the juſtice of the caſe, have no difficulty in re-imburſing this charge, upon production of the proper vouchers that may authenticate it; and alſo to take the neceſſary meaſures for furniſhing its priſoners in future with articles ſimilar to thoſe we have

supplied our prisoners, since Mr. Swinburne has been admitted to reside in France in the same character and capacity as you are here.

We are, &c.

Rupert George.
Ambrose Serle.
John Schank.
W. Ay. Otway.
John Marsh.

(No. 40.) Copy of a letter from Mr. secretary Dundas to the lords commissioners of the admiralty.

Parliament Street, 15th March 1797.

My lords,

I Have had the honour to lay before the king your lordships letter of the 1st of this month, communicating copies of three letters, with their inclosures, from Mr. Swinburne to the commissioners for conducting the transport service, and taking charge of prisoners of war, and transmitted to your lordships by the said commissioners.

His majesty has observed, with great satisfaction, from this correspondence, that the very liberal proposals Mr. Swinburne has been authorized to make on the part of this country, have at length induced the French commissioners to enter upon a negotiation for a general exchange of prisoners of war, in such a manner as affords a reasonable hope that this most desirable object will be brought to a favourable issue.

On a consideration of the convention proposed for this purpose by the French commissioners, I am commanded to acquaint your lordships, that the two articles taken by Mr. Swinburne *ad referendum* cannot in the present form be acceded to by the government of this country.

From an anxious desire, however, on the part of his majesty, to meet as much as possible the views of the French government, as expressed in these two articles, I am authorized to signify to your lordships his majesty's pleasure, that Mr. Swinburne should be instructed to propose to the French commissioners, to substitute for the 6th article of the convention, a stipulation, that the power possessing the greatest number of prisoners shall set at liberty and send back to the other power a number not exceeding *one thousand* (in a due proportion of officers and men) over and above the balance of the general exchange which may take place between the two countries, reserving to the said power the right to require the full benefit of this stipulation during the remainder of the war, unless the number of prisoners who may be hereafter possessed by that power should be such as by their exchange would reduce the general balance below that proportion.

With respect to the 7th article, his majesty will consent to allow all persons described as *deportés des colonies*, to go to France only, it being distinctly understood, that if any persons of this description, banished from his majesty's colonies or possessions, should return to them, whatever laws or regulations of police may be in existence in the said colonies or possessions, to prevent the return of persons so banished, will be enforced against them with the utmost rigour; but, should they be taken in any of his majesty's possessions in a military capacity, in acts of

of open hoſtility, and ſerving under commiſſions regularly granted by the French government, in that caſe they would be conſidered and treated as other priſoners of war.

His majeſty, having given ſo many unequivocal proofs of his ſincere and anxious deſire to effect the general exchange of priſoners, flatters himſelf, that in the event of the French government agreeing to amend the 6th and 7th articles of the propoſed convention, according to the tenor of this letter, no farther obſtacle will retard the execution of ſo deſirable an object; but in order to avoid the poſſibility of any miſunderſtanding on this ſubject, his majeſty (obſerving with great concern that the rigorous detention of Capt. Sir Sidney Smith is continued, notwithſtanding the repreſentations already made in his behalf) has expreſsly commanded me to inſtruct your lordſhips to direct Mr. Swinburne to requeſt an explicit anſwer from the French commiſſioners, Whether they conſider the conditions of their propoſed convention as applicable to him, preciſely in the ſame manner as to any other Britiſh officer of his rank; and in the unexpected caſe of his receiving a negative anſwer to this queſtion, and of their refuſing to include him in the general exchange, Mr. Swinburne is diſtinctly to ſignify to the French commiſſioners, that he is no longer at liberty to diſcuſs the propoſed projet of a general cartel, and that his majeſty will not only refuſe his conſent to any general exchange, from which Sir Sidney Smith ſhould be excluded, but that unleſs that officer ſhould be allowed the privileges of parole, and ſuch other indulgence as is uſually granted to officers of his rank, his majeſty will be under the painful neceſſity of obſerving a conduct correſponding to that of the French government in this caſe towards every French officer now on parole in his majeſty's poſſeſſions. This juſt and neceſſary meaſure of retaliation has hitherto been ſuſpended, under the expectation that his majeſty's former repreſentations would not have been ſo completely diſregarded. Should the reſult of the preſent communication prove equally unſatisfactory, it will unqueſtionably be carried into immediate effect.

I am, my lords,
Your lordſhips moſt obedient
Humble ſervant,
Henry Dundas.

(No. 41.) Extract of a Letter from Mr. Swinburne to the Commiſſioners for the Tranſport Service, dated Paris, 1ſt of April, 1797:—Incloſing Extracts from the Regiſters of the Deliberations of the Executive Directory, dated 10th Germinal, 5th Year.

I this morning received the incloſed order, and in obedience to it ſhall remove on Tueſday to Fontainebleau.

Tranſlation of a Letter from the Miniſter of Marine, and the Colonies, to Mr. Swinburne:—Paris, 1ſt April, 1797.

Sir,

You will find hereto annexed a copy of the decree, which the Executive Directory paſſed the 10th of this month, and which it directed me to notify to you.

(Signed) *Truguet.*

Extract

Extract from the Regiſters of the Deliberations of the Executive Directory :—Dated 10th Germinal, 5 Year.

The Executive Directory, on the report made to it by the miniſter of marine and colonies, reſpecting the ſtate in which the negotiation of the cartel for the exchange of priſoners of war is placed at preſent, and which has been negotiating at Paris between the commiſſion for exchanges appointed by the ſaid miniſter, and Mr. H. Swinburne, commiſſary of the Britiſh government.

Conſidering that the Preliminary Convention, ſigned the 29th Pluvioſe laſt, leaves nothing to be done, but the meaſures required for the execution of it, and that this circumſtance renders the preſence of that commiſſary unneceſſary at Paris.

Decrees, that Mr. H. Swinburne, commiſſary from the Britiſh government for the exchange of priſoners of war, ſhall be obliged to retire, within three days, into the commune of Fontainebleau, or ſuch other place as he may chuſe, but diſtant at leaſt fifteen leagues from Paris, from which place he may continue to correſpond relatively to the ſubject of his miſſion, either with the miniſter of marine and colonies, or with the French agents ſuperintending the priſoners of his nation.

The miniſter of marine and colonies is directed to communicate the preſent decree to Mr. Swinburne; and alſo the ſaid miniſter, as well as the miniſter of General Police, is directed to ſee this order carried into execution.

A true copy,
(Signed) *Rewbell*,
Preſident of the Executive Directory.

By the Executive Directory,
(Signed) *La Garde*,
Secty. General.

A true copy,
(Signed) *Truguet*.

(No. 42.) Extract of a Letter from Major General Sir Hew Dalrymple to Colonel Brownrigg :—Dated Guernſey, the 18th of April, 1797.

Yeſterday morning a neutral veſſel arrived from St. Maloes with ſome releaſed Britiſh priſoners on board; ſhe was cleared for Hamburgh, but was perfectly underſtood (even by the official people) to be bound for this iſland: one of the perſons above alluded to ſeems an intelligent man. I ſtate the following particulars, which I learnt from him.

Whilſt priſoners, they were treated as convicts, cloſely confined, and ill-fed; a marked difference was however made between the feed of the petty officers taken on board king's ſhips, and paſſengers and traders, to ſome of whom their parole was granted.

It ſeems to have been an unfortunate circumſtance (whatever it was) to our priſoners in France, which put an end to the propoſed exchange,

exchange, as thoſe in cloſe confinement are extremely ill off; and when the ſeaſon advances, and the weather become hot, many of them muſt periſh. In one place of three hundred and fifty feet in length, and between thirty and forty broad, this man aſſures me, eleven hundred ſailors were confined, as cloſe (according to his expreſſion) as if they had been ſcrewed in; many are dead, and many are in hoſpitals, principally from ſcurvy, which tends to prove, that thoſe unfortunate men ſuffer more from the ill quality of the proviſions than the cloſeneſs of their confinement, from which jail diſtempers and fevers were more likely to reſult.

(No. 43.) Copy of a Declaration reſpecting the Treatment of Britiſh Priſoners of War confined in Pontanezan Priſon, near Breſt.

From about the 10th of January 1797, to the 20th of February, the daily allowance was as follows: Sixteen ounces of biſcuit of a very bad quality, full of vermin and mouldy (for twenty-four hours); for the ſame period of time, two ounces of rotten ſalt beef or pork—the allowance ought to have been half a pound; but the under written will declare upon oath, if neceſſary, that they have ſeen an allowance weighed for ſeven people, (or what was called a meſs) and the ſame only weighed fifteen ounces, and nearly if *not* half of that bone; the above fifteen ounces were boiled when weighed, but neither, as uſual, ſoaked or waſhed; the remaining allowance for 24 hours was what was called peaſe ſoup, which conſiſted of hot water, with a very ſmall portion of horſe peaſe; this ſoup was given in a pail for ſeven people every day at four P. M.—One day in the week about one ounce and a half of cheeſe, along with peaſe ſoup of the above deſcription, was ſerved out in lieu of the beef or pork. From about the 20th of February, in lieu of ſixteen ounces of biſcuit, we had ſerved daily about ten ounces of black bread, and four ounces of rice; this was given during the period of a month, during which time numbers of priſoners complained of diſeaſes in the bowels, and ſome few died; which diſeaſes and deaths were attributed to the neglect of the cooks not cleaning out the copper veſſels the rice was boiled in. From about the 1ſt of February until the 28th of March, the time the underwritten left Pontanezan, freſh beef of ſimilar weight of the ſalt meat was delivered in lieu of it. It was given out boiled, and was nothing but carrion, ſo bad that the priſoners were happy when they could get ſalt beef in lieu of it. It muſt be obſerved, that ſoup was made with the beef before it was ſerved out. Nothing but water was given to the priſoners to drink, and no vegetables of any deſcription whatever, unleſs the horſe peaſe already mentioned. From about the middle of January 1797, until the 28th of March, a number of ſeamen died, at leaſt two hundred, in the hoſpital: at the latter date, their complaints were generally the ſcurvy, and muſt have proceeded from the bad proviſions, and not a ſufficiency of them. In caſe of hot weather, moſt of the ſeamen will inevitably fall victims to diſeaſe. As there were about nine hundred or a thouſand crammed into a room only about thirty feet wide, and three or four hundred feet long, it may eaſily be conceived what the ſtate of air is in on a hot day, in a houſe exceedingly dirty, and ſuch a number of ſouls in it. There are two ſpaces called priſon yards; the one the poor ſeamen are allowed to walk in is of the ſame dimen-

sions of the house they are confined in, and only one hundred are admitted into the great prison yard daily, the time from about one o'clock to four o'clock P. M. In case of rain, none are let out. As we have given a candid description of the melancholy situation of the common seamen, the following was the treatment of the masters and passengers of merchant vessels.—They were in a hall by themselves, and had similar allowance served to them as the seamen, but they were allowed the use of the large prison yard (which may probably be a mile in circumference) and sometimes were permitted, with a guard, to go down to Brest in a morning, and return the same evening. There were in the same hall with the masters and passengers fourteen or sixteen petty officers belonging to the Hussar and Amazon frigates. Those gentlemen had served daily about $1\frac{1}{2}$lb. of good fresh beef, 2lbs. of good white bread, and a bottle of good claret daily.

(Signed) *George Brumel.*
William Dawson.
Isaac Frankland.

P. S. It is to be observed that fresh meat was delived once or twice weekly.

(No. 44.) Copy of a Letter from the commission of exchange at Paris, to Mr. Swinburne :—Dated Paris, 25th June 1797.

Sir,

We should have had great reason to be concerned, on perusing the contents of your letter to us of the 5th June, if we could believe that all the complaints stated to the Transport Board, by the prisoners detained at Pontanezan, had not been exaggerated; however, without recurring to all the means which the minister has already ordered to be taken for rendering their situation less distressing, we hasten to announce to you, that in consequence of our representation, he has recommended to the directory of the marine at Brest, either to cause a proportion of those prisoners to be removed to another depôt, or to fit out a cartel, in the event that the first-mentioned plan shall meet with any obstacle.

With respect to the allowance to the prisoners, if the situation of the finances of the republic does not admit of their receiving the whole of what the law allows them, it is not less true, that they experience in that respect the benefits of the solicitude of government. We have, however, reason to fear, from what you observe to us, that those on parole at Pontivy may not be so favourably treated; we have therefore urged the minister to instruct the director of the marine at Brest to do every thing for them which justice and humanity require.

(Signed) *G. J. Cottrau.*
Granet.
M. A. Bourdon.

(No. 45.) Copy of a letter from Mr. Swinburne to the executive directory:—Dated Fontainbleau, 2d July 1797.

Fontainbleau, 2d July 1797.

The commiſſary of his Britannic majeſty for the exchange of priſoners of war, to the citizens compoſing the executive directory of the French republic

Citizens Directors,

The British commiſſary repreſents to you, that having come to France for the exchange of priſoners, he expected to have enjoyed ſimilar privileges with thoſe granted in England to the French commiſſaries, who go where they pleaſe, viſit the depôt, and communicate with the priſoners. But theſe privileges have been objected to on account of the times, and therefore, from the deſire of conciliation, he has not inſiſted on his juſt rights of reciprocity. He has remained at Paris without murmurs; and under many inconveniencies has been endeavouring to diſcharge the duties of his miſſion. Influenced by the feelings of humanity, he has with equal zeal intereſted himſelf to alleviate the ſufferings of the unfortunate priſoners of both nations. Your commiſſion for exchanges will bear teſtimony to the juſtice and impartiality of his proceedings. Buſineſs of every other deſcription he has avoided, and his conduct fears not reproaches.

On the 10th of Germinal, you ordered him to quit Paris; of your motives he is ignorant. Your miniſter of marine, however, directed that he might be informed, that nothing perſonal was intended. The reaſons expreſſed in your decree cannot be the only ones, becauſe they are founded on an error. It is therein ſtated, " That the preliminary " convention, ſigned by Mr. Henry Swinburne, leaves no more to be " done, but to take the neceſſary ſteps for its execution."

This convention is not yet ratified; ſome articles remain ſtill ad referendum, and all his duties are ſuſpended by your decree. Your commiſſion of exchange will have informed you, that it proceeds on uncertainty, and that daily there ariſes the greateſt embarraſſment from the abſence of the Britiſh commiſſary, and the want of conferences.

The Britiſh commiſſary experiences daily an increaſe of expences and of embarraſſments, and, in his preſent ſituation, feels the impoſſibility of fulfilling the intentions of his government. It is from this circumſtance that he requeſts your permiſſion to return to Paris.

While your commiſſaries enjoy their liberty at London, and every poſſible advantage in the diſcharge of the duties of their miſſion, you cannot, without injuſtice, confine the Britiſh commiſſary in the midſt of foreſts, at a diſtance from the centre of buſineſs, and deprive him of whatever might contribute to the ſucceſs of a miſſion of which humanity is the baſis.

He therefore begs, that you will take thoſe circumſtances into your conſideration, and accede to his requeſt, or notify to him the motives of your refuſal, that he may ſtand juſtified in the opinion of his government.

Health and reſpect.

(Signed) *Henry Swinburne.*

(No. 46.) Extract of a Letter from the Commiſſioners for conducting His Majeſty's Tranſport Service, &c. to M. Charretié:—dated 17th Auguſt, 1797.

We have to ſtate to you, that we have been at very great charges in clothing the priſoners, which the circumſtances of the war have put under our care. Compaſſion for the naked and deſtitute, dictated this ſupply to a great number of unhappy men, who muſt otherwiſe have periſhed or languiſhed in miſery. We have heard with anxiety, that our people carried into France have been left wholly unprovided with any relief of this kind, and that numbers have abſolutely periſhed through nakedneſs, and the damps of their priſons, where they have neither had beds nor ſtraw to lie on. If our informations had not been ſo frequently repeated, we could not have given credit to a conduct which appears ſo remote from the uſual practice of civilized nations; and we earneſtly hope, that upon enquiry it may be found, in ſome degree at leaſt, exaggerated. It is, however, become our duty, in order to prevent, reciprocally, all ſuch calamities or complaints in future, to propoſe to you, that both countries ſhall ſupply, by means of Mr. Swinburne in France, and you in this country, all priſoners with ſuch clothing as they may think proper; that is to ſay, that Mr. Swinburne ſhall provide this kind of neceſſary for the Engliſh priſoners carried into France, and you the ſame for the French priſoners brought into England. In conſequence of this arrangement, neither ſide will have a right to complain of neglect, but from their own countrymen; and thus one object of contention may be equitably removed from the two nations.

(No. 47.) Copy of a Letter from the Commiſſioners for the Tranſport Service, &c. to M. Charretié: dated the 4th September, 1797.

Sir,

Having been informed that a remittance of five thouſand pounds was made by your government to you in May laſt, for the purpoſe of purchaſing clothing for French priſoners of war confined in this country; and whereas our agent at Chatham acquaints us, that all the French priſoners in his cuſtody are now in want of a freſh ſupply, we think it proper to acquaint you therewith, in order that you may take immediate ſteps for their relief. We alſo think it proper to apprize you, that clothing will ſoon be wanted at all the other places of confinement.

We are, &c. *John Schank.*
Wm. Aly Otway.
John Marſh.

(No. 48.) Extract of a Letter from Mr. Swinburne to the Commiſſioners for the Tranſport Service: dated Fontainbleau, the 10th of September, 1797.

On the 4th inſtant, M. A. Bourdon, member of the commiſſion of exchange, in conſequence of a ſpecific order from the Executive Directory, came to Fontainbleau to confer with me upon propoſals contained in their arreté of the 11th Fructidor. It is propoſed, that Sir Sidney Smith ſhall be conſidered as a priſoner of war ſuſceptible of exchange, and, as ſuch, exchanged againſt a French officer of his rank,

on

on condition that His Majeſty ſhall ratify the preliminary convention for a general exchange of priſoners of war, and, moreover, releaſe four thouſand French priſoners over and above the balance of exchange, to be accounted for at the peace. His inſtructions were, to preſs me to ſign a proviſional conſent to this condition, upon which Sir Sidney Smith would immediately obtain his liberty on parole.

Upon due conſideration, I thought it proper to ſeize the lucky opportunity, and to ſign the above mentioned conditions. I ſaw no inconvenience in ſo doing, ſince there was no engagement entered into, the whole depending upon his majeſty's ratification; and there could be no difficulty or indelicacy in diſavowing any unauthorized act of mine.

(No. 48. A.) Copy of an Arrêté of the Executive Directory at Paris: 28th Auguſt 1797.

Liberty. *Equality.*

Extract from the Minutes of the Deliberations of the Executive Directory:—Paris, the 11th Fructidor (or 28th of Auguſt) Fifth Year of the French Republic, one and indiviſible.

The executive directory being informed, that there has been detained, for a long time paſt, in the Engliſh depôts, a prodigious number of Frenchmen, captured on board veſſels in the colonies, or by other means; conſidering, that if from this number ſhall be deducted thoſe who were not in arms when taken, and, from this circumſtance, not to be conſidered as priſoners of war, ſuch as inhabitants, refugees, and exiles from the different iſlands, or paſſengers, not in a military capacity; and having heard alſo the report of the miniſter, and taken into conſideration the letter of Mr. Swinburne to the commiſſioners of exchanges, dated at Fontainbleau, the 28th Thermidor, (or 15th of Auguſt,) fifth year of the French republic, and the convention entered into between the ſaid Swinburne and the commiſſioners of exchanges, on the 29th Pluvioſe (or 17th February) preceding.—A convention (the 6th article of which has been left *ad referendum* by the Engliſh government) decrees as follows:

Article 1. Commodore Sidney Smith ſhall be conſidered as a priſoner of war, and, as ſuch, entitled to be exchanged.

Article 2. He ſhall be exchanged for a French officer of correſponding rank; but this exchange cannot take place until the Engliſh government ſhall have ratified the ſtipulations of the 6th article of the convention of the 29th Pluvioſe (or 17th February) laſt, and ſhall, in conſequence, have ſent back to France at leaſt 4,000 Frenchmen, over and above the number of thoſe who ſhall be exchanged by the return to England of all the Engliſh priſoners who at preſent remain in the depôts of the French republic.

Article 3. Theſe 4,000 men who ſhall not be accounted for to the Engliſh government until after a treaty of peace ſhall take place, as well as the men to be exchanged for the exiſting priſoners in the depôts of the republic, choſen from among the French who have been detained for the longeſt time priſoners of war.

Article 4. The exchanges, ſubſequent to the liberation and return of the 4,000 men ſpecified in the preceding article, ſhall be made conformably to the 6th article of the preliminary convention, man for man, and rank for rank; but this advance of 4,000 men ſhall not be carried to the account of exchanges, prior to the ſettlement of the general account, which ſhall follow the treaty of peace.

Article 5. The commiſſioners for the exchange of priſoners are charged, under the controul of the miniſter of marine and of the colonies, with the execution of the preſent decree.

A true copy,
(Signed) *Reveillere Lepeaux,*
Preſident of the executive directory.

By the executive directory,
(Signed) *La Carde,*
Secretary general.

A true copy,
M. A. Bourdon.

(No. 49.) Copy of a Letter from the commiſſioners for the tranſport ſervice, &c. to M. Charretié:—Dated the 18th Sept. 1797.

Sir,

Not having had any return to the letter we wrote to you on the 4th inſtant, on the ſubject of clothing for French priſoners, we now think it proper, in order to avoid the charge of neglect and inhumanity, again to apprize you, that the priſoners in moſt of our priſons are beginning to be in want of clothes, and will ſoon be unprovided. You will have liberty to ſupply what you pleaſe, as the agent for Spain already has. In caſe you are under difficulties in procuring the neceſſary clothing, we will ſo far aſſiſt you, as to furniſh you on our own contract prices, and to receive your bills for the amount, upon a moderate credit.

We are, &c. *Rupt. George.*
Amb. Serle.
John Schank.
W. Ab. Otway.
John Marſh.

(No. 50.) Copy of a Letter from Mr. Charretié, to the commiſſioners for the tranſport ſervice, &c.—Dated the 19th Sept. 1797.

In anſwer to your letter of yeſterday's date, I have the honour of acquainting you, that in conſequence of the repreſentation which I made to the miniſter of the marine and the colonies, reſpecting your intention to diſcontinue to ſupply the priſoners of war detained in your depôts with clothing, he has directed the neceſſary remittances to be made; and if I have not regularly received ſuch ſums, it is owing to circumſtances anterior to the happy period of the 4th of this month having hitherto been the ſole cauſe of delay.

The intereſt of humanity now induces me to ſuggeſt to you, that as Mr. Swinburne, or Capt. James Cotes, may have occaſion for money for their ſervice at Paris, you may take my draft on the office for the funds of the marine, at a few days date, for 2,000l. ſterling, at the rate

 of

of exchange between Paris and London, which is livres 26. 10s. 6d. per pound ſterling. There can be no doubt, from all the documents of official correſpondence in my hands, but that my bill of exchange will be punctually paid. I wait your anſwer to my propoſal, and I beg you will accept my ſincere thanks for the offer you make to me of removing, by the terms of your contract, the obſtacles I experience; and I would very willingly accept of it, if the articles were of the colours and qualities deſcribed in my inſtructions.

I have the honour to be, very reſpectfully,

Gentlemen,

Your moſt obedient humble ſervant,

J. Charretié.

(No. 51.) Copy of a Letter from the commiſſioners for the tranſport ſervice, &c. to M. Charretié:—Dated the 22d Sept. 1797.

Sir,

In reply to your letter of the 19th inſtant, we beg to inform you of our acceptance of your propoſal to grant us bills on account of the clothing which you may chuſe to furniſh to the French priſoners with us; but as we ſhall have no occaſion for funds to remain in our agent's hands in France, it being more convenient for us to anſwer his bills in London, we propoſe that you ſhould either pay into our office the ſeveral amounts, or give us bills, at thirty days date, upon ſome creditable houſe in Hamburgh, or any other neutral town, for that purpoſe.

We are, &c.

Rupert George,
Ambroſe Serle,
John Schank,
W. A. Otway,
John Marſh.

(No. 52.) Copy of a Letter from the Commiſſioners for the Tranſport Service, &c. to M. Charretié:—Dated the 12th October, 1797.

Sir,

The Right Honourable Henry Dundas, one of his Majeſty's principal Secretaries of State, having had under his conſideration the ſeveral repreſentations made by you, and the French commiſſioners of exchange at Paris, relative to the pretended hardſhips and ill treatment to which the French priſoners of war are expoſed in this country; and bearing in mind, at the ſame time, the numerous ſtatements received in the courſe of the preſent war, of the difficulties experienced by the Britiſh priſoners in France, in procuring the neceſſary clothing, food, medicines, and medical attendance; he has, in order to obviate for the future thoſe mutual complaints and recriminations, addreſſed a letter, dated the 6th of this month, to the Right Honourable the Lords Commiſſioners of the Admiralty, ſignifying his Majeſty's pleaſure, that their Lordſhips ſhould cauſe the following ſteps to be taken:

1ſt.—To renew the demand, already made to the French government, for a paſſport to Captain Cotes, to enable him to proceed to France

France as agent of prifoners for this country, and to require for him the indulgence and privileges granted to the French agent of prifoners in England.

2d.—To propofe to the French government (either through Captain Cotes, if his paffport fhould be received in time, or through you) a general cartel of exchange between the two countries, in conformity to Mr. Dundas's Letter of the 15th of March laft, a copy whereof was tranfmitted to Mr. Swinburne; diftinctly informing them, at the fame time, that his Majefty will, on no account, agree to exceed the number therein offered, of one thoufand prifoners in advance, upon the general balance of exchange.

3d.—In the event of the aforefaid propofition being rejected, to take the fame fteps for making a formal demand to the French government, to allow Sir William Sidney Smith the ufual indulgence of parole, and other privileges granted to officers of his rank, in conformity to the former notes delivered on this fubject; and in cafe of non-compliance, or an unfatisfactory anfwer, to adopt the meafure pointed out in Mr. Dundas's above-mentioned Letter.

His majefty's pleafure has been alfo fignified by Mr. Dundas, in his faid letter, that for the greater advantage and comfort of the refpective prifoners of each country, a propofal fhould be made to the French government, that they fhould be provided, in the country where they are detained, with fubfiftence, medicines, clothing, and medical attendance, by the government to which they belong; fubject, however, to the regulations mentioned in his faid letter: and the right honourable the lords commiffioners of the admiralty having directed us to take fuch meafures as may be proper for carrying into immediate execution his majefty's commands, fignified in Mr. Dundas's faid letter, we herewith tranfmit a copy thereof, and defire you will, as fpeedily as poffible, communicate the fame to the French commiffioners of exchange at Paris.

We are further directed to acquaint you, that it is neceffary you fhould repair immediately to Banbury,* in Oxfordfhire, there to refide, within the limits of that town, and of one mile thereof, until you fhall be enabled to give us an anfwer from your government, refpecting Capt. Cotes's paffport, when, according to the explanation which may be given with fuch a paffport, you will be made acquainted with his majefty's further commands; and we think it proper to apprize you, that you muft confine your correfpondence, either with the prifoners in this country or with France, to fuch points only as are connected with the fervice in which you are employed in this kingdom.

We have only to add, that Mr. Swinburne is ordered to return to this country without waiting for his fucceffor; aad you are, therefore, to inform the French commiffioners of exchange, that no further communication will be received, or anfwer tranfmitted through him, on any fubject relative to his late miffion. We are, &c.

Rupt. George,
John Schank,
W. A. Otway,
John Marfh.

* Mr. Charretié requefted to be allowed to refide at Bath, which was granted.

(No. 52.

(No. 52. A.) Copy of a Letter from the Right Honourable Henry Dundas to the Lords of the Admiralty.

Parliament-ſtreet, 6th October, 1797.

My lords,

Having had under my conſideration the ſeveral reports of the commiſſioners for conducting the tranſport ſervice, and taking charge of priſoners of war, tranſmitted to me by your lordſhips, reſpecting the repreſentations made by Mr. Charretié, and the French commiſſioners of Exchange at Paris, relative to the pretended hardſhips and ill treatment to which the French priſoners of war are expoſed in this kingdom, and bearing in mind, at the ſame time, the numerous ſtatements received in the courſe of the preſent war, of the difficulties experienced by the Britiſh priſoners in France, to procure the neceſſary clothing, food, medicines, and medical attendance, I felt it a duty to conſider of ſome effectual means of obviating, for the future, theſe mutual complaints and recriminations. In entering upon this ſubject, at preſent I ſhall avoid any inveſtigation of the particular reaſons by which the individual priſoners of both countries may, it is ſuppoſed, be induced to exaggerate their ſufferings, and all reflections upon the motives to which may be aſcribed the groſs, and apparently wilful miſrepreſentations reſpecting the ſituation of French priſoners in England, or the injurious and improper language in which they have been conveyed, both by Mr. Charretié and the French commiſſioners, and that too, at a moment when, on the one hand, the former, without the leaſt reſtraint, was actually upon a viſit to the principal depôts of priſoners in this kingdom, having daily an opportunity of perſonally aſcertaining the falſehood of the ſtatements he had been directed to make, and a certainty of obtaining immediate redreſs of any real grievance he might complain of, whilſt on the other, Mr. Swinburne the Engliſh commiſſioner in France, without any grounds being aſſigned, had been ordered away from Paris, and inſtead of meeting with the ſame facility of viſiting his countrymen in priſon, was in fact himſelf confined to the limits of one ſmall town, debarred from all intercourſe with Britiſh priſoners, and conſequently prevented from examining into their complaints, or adminiſtering to their relief where it was required. Should the French government perſiſt in ſuch conduct; ſhould they reject with inſult the propoſals to which I ſhall preſently call your lordſhips attention; ſhould they again refuſe to liberate Sir Sidney Smith, detained in open violation of the laws of nations; it will then be for his majeſty to conſider, how far the protection he owes to his ſubjects will require of him, however reluctantly, to retaliate on all thoſe of France that now are, or may hereafter be in his power; and to make public in this country and throughout Europe, the numerous and unequivocal proofs of forbearance and conciliation by which (fruſtrated in his anxious and repeated efforts for the reſtoration of Peace) he has ſo long atttempted to avert this aggravation of the inevitable calamities of war.

His majeſty's heſitation in recurring to this extremity, after the frequent diſappointments already experienced with reſpect to Sir Sidney Smith, muſt convince the French government how repugnant ſuch a meaſure muſt prove to his majeſty's feelings; but if, upon this laſt

repre-

representation, his anxiety to obtain justice for that gallant officer, without departing from the lenity and justice shewn to those of France in this country, should again be mistaken or disregarded, he will then (though certainly not without reluctance) endeavour to enforce it, by adopting a similar line of conduct toward not less than 20,000 French prisoners whom the chance of war has thrown into his hands.

The steps it is his majesty's pleasure your lordships should cause to be taken, without delay, to prevent these calamities, or (if they cannot be avoided) to place beyond all doubt the quarter to which they must be traced, are:

1st. To renew the demand already made through Mr. Charretié to the French government, for a passport to Captain Cotes, to enable him to proceed to France as agent of prisoners for this country, and to require, at the same time, a positive explanation, whether it is intended to prevent his visiting the depôts of English prisoners, wherever they may be, within the limits of the republic, or to restrain him to reside within the limits of any particular town or district, or otherwise to refuse him any of the indulgences and privileges granted to the French agent of prisoners in England, the nature and extent of which your lordships will take care to have fully stated to the French government.—Your lordships will perceive, that these enquiries are necessary with a view to our agent in France being placed upon the same footing with the French agent here, or, if this point cannot be obtained, without the smallest delay to regulate our behaviour to Mr. Charretié by the treatment Captain Cotes may expect to meet with in France.

2d. Your lordships are to give the necessary orders for proposing to the French government (either through captain Cotes, if his passport should be received in time, or through Mr. Charretié) to establish a general cartel of exchange between the two countries, upon the very liberal terms offered in conformity to my letter of the 15th March 1797, and for distinctly informing them, at the same time, that his Majesty will on no account agree to exceed the number therein offered, of 1,000 prisoners in advance, upon the general balance of exchange.

If this cartel should be agreed to, the liberation of Sir Sidney Smith becomes no longer a matter of question, but if it should be rejected, your lordships are then:

3dly. To take the same steps for making a formal demand to the French government, to allow Sir Sidney Smith the usual indulgence of parole, and other privileges granted to officers of his rank, in conformity to the former notes delivered on this subject; and in case of non-compliance, or an unsatisfactory answer, your lordships will forthwith give the necessary orders that all French officers on parole, without any exception, in his Majesty's dominions, may be sent into strict confinement, and deprived of every privilege and indulgence to which they are now entitled beyond those allowed to private men.

His Majesty is unwilling to believe that he shall be compelled to recur to this act rigour, and disposed as he is to hope for a more favourable termination of this discussion, he has commanded me, with a view of rendering this pleasing alternative still more conducive to the advantage

vantage and comfort of the respective prisoners of each country, to instruct your lordships to give orders, that proposals should be made to the French government to the following effect:

That the prisoners of each country respectively, shall be provided in the country by which they are detained, with subsistence, medicines, clothing, and medical attendance, by the country to which they belong: the power by which they are detained interfering only in as much as may be necessary for preserving and enforcing the proper regulations of controul and police over them, as at present established and observed.

In order to give effect to this proposal, it would of course be necessary that the two parties should agree to afford protection to the agents employed by each respectively, in procuring subsistence, medicines, or clothing, and to the attendants on the sick. These, and any other regulations of detail it may be necessary to establish, for securing to the prisoners of each country the benefits of this proposal, will naturally occur to the commissioners for taking charge of prisoners of war, in framing instructions for Captain Cotes, or the person who may be charged to negotiate with the French commissioners on this subject, provided the principle of the proposal is acceded to by the French government.

I shall therefore confine myself for the present to state to your lordships, the motives which have induced his majesty to give orders that this proposal should be made without loss of time.

It would be inconsistent with candour and justice for either power to suppose, that every complaint it receives with respect to the treatment of its prisoners by the other, is founded in truth. Some may be the effect of passion, prejudice, and wilful misrepresentation; and many have no other origin than the difference of the diet, mode of living, medical attendance, and other circumstances peculiar to the manners and habits of each nation. These differences are perhaps stronger marked in those classes which are most liable to be captured in a war between England and France, than in most other situations of life, and consequently the effects of them on their comfort are more sensibly felt.

In many instances, I am persuaded, the complaints of a French prisoner may be traced to those very causes in which an Englishman would find relief, and *vice versâ*.

For example, the subsistence allowed to the French prisoners (in health or sickness) in England, is no less liberal than to the British soldiers. Possibly the English prisoners in France may be subsisted upon a scale equally favourable, with a reference to their own troops; and yet numberless complaints on this head have been made against each country, since the commencement of the present war. In short this position appears so obvious, that I do not apprehend it can be contested by the French government. In stating it, I have assigned the principal advantage of the proposal, which, considered in this point of view only, cannot be rejected without implying an indifference to any measure which, without injuring the rights or interests of nations engaged in war, tends so materially to alleviate the inevitable calamities of that unfortunate situation.

Under this proposal no alteration is made in the rights of either government over its prisoners, as established by the state of war between

civilized nations. Whatever power that right gives to the captor over their perſons and liberty, will remain the ſame; but it is a right which does not create the obligation of providing for wants of thoſe over whom it is exerciſed, and in point of fact, a part of thoſe wants (namely the clothing) though generally ſupplied in the firſt inſtance by the captor, has uſually been defrayed by the adverſe power, whenever the return of peace, or other circumſtances, would admit of. the expences incurred by each party in this particular branch being compared and ſettled between them. This I am ready to admit has not been the conſtant practice at the concluſion of a war, becauſe ſometimes diſcuſſions and claims of this nature are diſpoſed of by ſome article of the treaty of peace; but the right which each power has to bring forward ſuch claims, unleſs they are ſo determined, is uſually acknowledged in the cartels, and where no cartel exiſts, admitted and acted upon by the commiſſioners or other officers charged by the reſpective governments with every thing that relates to the care and cuſtody of priſoners of war.

Indeed, ſo far the French government I underſtand has already anticipated this propoſal, by authorizing Mr. Charretié to inform the commiſſioners for taking charge of priſoners of war (in anſwer to a repreſentation they had made upon the ſubject) that they would provide clothing for the priſoners in England. My object is, that in the ſame manner, and upon the ſame grounds, they ſhould be provided with ſubſiſtence, medicines, and medical attendance.

If this propoſal be accepted, complaints and recriminations can no longer exiſt between the reſpective governments; and the fate of every individual to which it relates, will probably be meliorated.

In health, their mode of living will be more conformable to their former habits. In ſickneſs, they will be leſs apt to miſtruſt the ſkill of their attendants, or to queſtion the intereſt they may take in their preſervation. On all occaſions, they will be relieved from the ſuſpicion, that the hand which ſupplies their wants, and miniſters to their comfort, is directed by that ſpirit of individual hoſtility, which is too often the conſequences of the prejudices and enmity excited by the ſtate of war between nations.

Deeply impreſſed with the humanity of the propoſal, and with the facility of carrying it into execution, his majeſty entertains a ſanguine hope that it will not be rejected by the French government; but if his expectation of ſome ſatisfactory arrangement ſhould be diſappointed, his majeſty thinks it proper, that it ſhould at the outſet be ſignified to the French government, that from that time, no further complaint relative to the treatment of French priſoners in England will be attended to, or receive any other anſwer, than a renewal of the above propoſal, which his majeſty conſiders as the moſt obvious and effectual remedy for all ſuch complaints. It is alſo equally deſirable, that the French government ſhould underſtand, that this is not the only conſequence that would reſult from a refuſal to accede to this propoſal: his majeſty would then feel it a duty incumbent on him, to diminiſh as much as poſſible the burthens his people are obliged to bear for the ſupport of the French priſoners, and for this purpoſe, inſtead of maintaining them (as at preſent) an expence equal to that of the Britiſh ſoldier, and upon a footing in every reſpect no leſs liberal, the allowance ſhould be

confined

confined indiscriminately for all, within the limits strictly necessary for their subsistence; a situation which, however different from the one to which they have hitherto been accustomed, would still be preferable to that which, in too many instances, he has reason to apprehend his faithful subjects even now endure in France.

Should his majesty be compelled to this painful act of duty, it will be his anxious and constant wish to be relieved from it as soon as possible; but this can only be brought about by the acquiescence of the French government in a just and equal exchange, and in his proposal to provide for its own prisoners in England.

I have now stated to your lordships his majesty's commands on this important subject, in the exact execution of which it is his majesty's pleasure that no time should be lost, according to the disposition the French government may manifest in answer to the communications you are hereby directed to make.

I am,
My lords, &c.
Henry Dundas.

(No. 53.) Copy of a letter from the right honourable Henry Dundas to the lords commissioners of the admiralty.

Parliament Street, 6th October, 1797.

My lords,

There is too much reason to apprehend, from our experience of the behaviour of the French government in the discussions which have hitherto taken place respecting prisoners of war, that they will be but little inclined to give way to his majesty's just demands and proposals, as signified in my other dispatch of this date (which it is his majesty's pleasure should be communicated to M. Charretié, and through him to the French commissioners of exchange) until some step is taken, at the same time, to prove to the French government, that his majesty is seriously resolved to execute his intentions as therein stated; the object of this separate letter is therefore to signify to your lordships his majesty's pleasure, that at the same time that communication is made to M. Charretié of my other letter, he is to be directed to repair immediately to Banbury in Oxfordshire, and to reside within the limits of that town, and of one mile thereof, until he shall be enabled to give an answer from his government respecting captain Cotes's passport, when, according to the explanation given with such passport, he will be apprized of his majesty's further commands.

It may also be right to apprize M. Charretié, that he is to confine his correspondence, either with the prisoners in this country, or with France, to such points only as are connected with the service on which he is employed in this kingdom.

I take this opportunity to acknowledge the receipt of your lordships letter of the 27th ultimo, transmitting one from the commissioners for conducting the transport service, and taking charge of prisoners of war, to your lordships, and copies of the arrêté of the French directory, of the 28th August. The proposals contained in the arrêté are answered by those communicated in my other letter of this date, from which his majesty is resolved not to depart. I have no observation to make on the unauthorized acceptance of such conditions by Mr. Swin-

burne, except, that it may be proper for your lordſhips to tranſmit to him, an order to return without waiting for his ſucceſſor, and to M. Charretié, for the information of the French commiſſioners of exchange, that no further communication will be received, or anſwer tranſmitted through him, on any ſubject relative to his late miſſion.

I am,

My lords,

Henry Dundas.

(No. 54.) Copy of a Letter from M. Charretié to the Commiſſioners for the Tranſport Service, &c. dated 15th October, 1797; with a Decree of the Executive Directory, dated 13th September, 1797.

Walcot Place, London,
24th Vendemiaire, or 15th October, 1797.

Gentlemen,

I am directed by the miniſter of marine and of colonies, to tranſmit to you a copy of two decrees of the Executive Directory, of the 11th and 27th of the month of Fructidor laſt (or 28th of Auguſt and 13th of September, 1797) declaring Commodore Sir Sidney Smith a priſoner of war, fixing the mode of his exchange, and the conditions upon which that exchange is to be granted.

I am expreſſly required to inſiſt upon their literal execution; and, beſides, to notify to you:

1ſt. The formal refuſal of my government to admit the return of my priſoners, except thoſe whom I ſhall myſelf point out.

2d. That the priſoners ſhall not be exchanged en maſſe, except agreeably to the liſt which I ſhall have the honour to deliver to you.

3d. That all French priſoners who ſhall obtain an exchange, or be releaſed immediately by you, gentlemen, without my concurrence, ſhall be conſidered as not exchanged, and ſent back to England.

You will have the goodneſs, gentlemen, to communicate to me a prompt and categorical anſwer from your Board, on theſe ſubjects, in order that I may comply with the deſire of the miniſter, in tranſmiting it to him without loſs of time.

I am reſpectfully, &c.

J. Charretié.

Equality. *Liberty.*

Extracts from the Minutes of the Deliberations of the Executive Directory.

Paris, the 27th Fructidor (13th September)
Fifth Year of the French Republic, One and Indiviſible.

The Executive Directory, upon the report of the miniſter of marine and of the colonies, decrees:

Article 1.—Commodore Sidney Smith and his ſecretary Wright, now confined in the Temple, ſhall have the liberty to correſpond in writing, in an open and public manner, with the Britiſh agent for the exchange of priſoners.

Article

Article 2.—As ſoon as the Britiſh government ſhall have ratified the ſtipulations of the decree of the 11th Fructidor (or 28th Auguſt) relatively to Sidney Smith, ſteps ſhall be taken for his liberation, and he ſhall repair to the place of parole, that ſhall be appointed for him, there to remain until the decree before mentioned ſhall have been completely fulfilled; that is to ſay, until after the reſtoration to France of 4000 French priſoners, over and above the balance reſulting from the reſpective exchanges; which 4000 men ſhall not be accounted for to England until after the definitive treaty of peace.

Article 3.—The ſecretary of commodore Sidney Smith ſhall experience the ſame treatment as that priſoner.

The miniſter of marine and colonies is charged with the execution of the preſent decree.

A true copy (ſigned) *Reveilliere Lepeaux.*
Preſident of the Executive Directory.

By the Executive Directory,

(Signed) *La Garde,*
Secretary General.

A true copy (ſigned) *Pleville Le Pelly.*

A true copy (ſigned) *J. Charretié.*

(No. 55.) Copy of a Letter from the Commiſſioners for the Tranſport Service, &c. to M. Charretié:—Dated the 18th of October, 1797.

Sir,

In anſwer to your letter of the 15th inſtant, incloſing copies of two arrétés of the Executive Directory, on the ſubject of Sir Sidney Smith, we muſt refer you to our letter of the 12th of laſt month.

We cannot poſſibly conſent to your being permitted to ſelect ſuch priſoners as you may think fit to be ſent to France in exchange for Britiſh; but in embarking them we ſhall not fail to attend to priority of capture, as far as equality of ranks will admit.—You will recollect, ſir, that Mr. Swinburne has not been allowed any ſuch authority, nor ever permitted to viſit any one of the places wherein Britiſh priſoners have been confined, ſince he went to France; whereas, you have not, until very lately, and for the reaſons we gave you in our letter of the 26th of laſt month, been refuſed the liberty of going to the priſons in this country, and communicating without reſerve, with the French priſoners.

We are, &c.
(Signed) *Rupt. George.*
Ambroſe Serle.
John Schank.
John Marſh.

(No. 56.) Extract of a letter from Mr. Swinburne to the Commissioners for the Transport Service, &c.:—dated Fontainebleau, 26th October 1797.

I transmit a letter from the commission of exchange, which you will not peruse without a smile, when you recollect that the French government has scarce in any place bestowed a single rag upon our prisoners.

(No. 56. A.) Copy of a letter from the commission of exchange to Mr. Swinburne:—dated Paris, 20th October 1797.

20th October 1797.

Sir,

We have the honour to acquaint you, sir, that the minister has just dispatched circular orders to stop the furnishing of clothing of every description to the prisoners of war. This measure, it will be allowed, is contrary to what has always been the practice between Belligerent powers, but our government, in adopting it, has only followed the example given by your's.

(Signed) *G. J. Cottrau.*
M. A. Granet.
L. P. Dessaine.

(No. 57.) Copy of a Letter from M. Charretié to the Commissioners for the Transport Service, &c.—Dated Bath, the 31st October, 1797.

Gentlemen,

I have received the letter, which you did me the honour to address to me the 27th instant, inclosing the report of your agent at Portchester, and the certificate of the chief surgeon of the hospital of that prison, supported by an attestation of two French surgeons. I shall deem it of the greatest importance to transmit those documents, without the least delay, to the commission of exchanges at Paris, for the purpose of defeating the malice of the editor of the newspaper, the Postillon de Calais, who, before he had inserted a paragraph so indecent and injurious to your humanity, ought to have applied to the sub-commissary of marine at Fecamp for information.

I am, &c.

Jn. Charretié.

(No. 58.) Copy of a Letter from Mr. Secretary Dundas to the Lords Commissioners of the Admiralty.

My Lords, *Parliament Street, November 10th*, 1797,

I HAVE received and laid before the king your lordships letter of the 7th instant, inclosing copies of two letters from Mr. Swinburne

to

to the commissioners for conducting his majesty's transport service, and taking charge of prisoners of war.

His majesty could not read the account of the hardships to which Mr. Swinburne apprehends our prisoners will be exposed in France, without feeling the greatest anxiety to know the determination of the French Government respecting the proposals transmitted through Mr. Charretié, in conformity to my letter to your lordships of the 6th ultimo. His majesty would certainly be justified in considering, from this moment, their protracted silence on these proposals as a refusal to accede to them; but, from his earnest desire to avoid recurring to the rigorous measures to which that refusal must lead, until every chance of obtaining redress by other means shall be exhausted, it is his majesty's pleasure that an official notification should forthwith be made to the French government through Mr. Charretié, that unless a favourable answer is received before the 25th instant, to his majesty's just demands respecting captain Sir Sidney Smith, and to his proposals relative to the victualling, clothing, and medical attendance of the prisoners of war respectively detained in this country and in France, contained in my letter to your lordships above mentioned, all the measures therein stated will be strictly enforced; and it is his majesty's pleasure that your lordships give immediate directions for their being carried into effect, from that day, in the manner herein mentioned.

I am, my lords, your lordships
Most obedient humble servant,
Henry Dundas.

(No. 59.) Copy of a Letter from the Commissioners for the Transport Service, &c. to M. Charretié:—Dated the 13th November 1797.

Sir,

WE are directed by the right honourable the lords commissioners of the admiralty, to acquaint you, for the information of the French government, that unless a favourable answer is received before the 25th instant, to his majesty's just demands respecting captain Sir Sidney Smith, and to his majesty's proposals relative to the victualling, clothing, and medical attendance of the prisoners of war respectively detained in this country and in France, contained in our letter of the 12th of last month, and which you acknowledged the receipt of in your's to us of the day following, all the measures therein stated will be strictly enforced; and we have received directions for carrying the same into immediate effect, from the aforesaid 25th instant, in the manner mentioned in our said letter of the 12th of last month.

We are, &c. *Rupt. George, Ambrose Serle, John Schank, William Ay. Otway, John Marsh.*

(No. 60.) Copy of a Letter from the Commissioners for the Transport Service, &c. to captain Cotes:—Dated the 1st of December 1797.

Sir,

HAVING, by our warrant under date of the 25th August, appointed you our agent, to reside in France for the purpose of attending

ing to the relief of such British subjects as now are, or may hereafter be detained as prisoners of war in that country, and carrying on, under our direction, the exchange of prisoners, in the room of Henry Swinburne, esq. and the French government having agreed to admit you in such capacity, and transmitted through the M. Charretié, the French agent for prisoners of war in London, the necessary passport, we direct to you to proceed to Paris without loss of time, as our agent accordingly; and immediately after your arrival there, to demand of the French government, through the minister of marine, or other proper channel, permission to visit all the depôts for British prisoners in that country, as often as you may judge necessary; taking care to inform the French government, that whatever privileges or indulgences may be allowed to you, the same will be granted to M. Charretié in this country; and that, on the other hand, if any restrictions are laid on you, to prevent the free exercise of your functions, the like will be strictly observed towards their agent here: the result of this application, and the communication that is to accompany it, you are to report to us, with as little delay as possible, in order that we may be able to give you such further instructions for your guidance, as circumstances may render necessary.

You are also to inform the French government, that as they did not think proper to make any reply to the propositions contained in Mr. Secretary Dundas's letter to the lords commissioners of the admiralty, dated the 6th of October last, a copy of which was transmitted to them by us, through M. Charretié, on the 12th of the same month, and of which a copy will be delivered to you herewith, orders have, with great reluctance, been given, that all the French prisoners that were on parole in this country, should be put into confinement, and that the ration of provisions to French prisoners should be reduced, agreeably to what the French government was apprized would be the consequence of their not acceding to the propositions in Mr. secretary Dundas's afore-mentioned letter, and those orders are now carrying into execution.

For your information and guidance, we have directed that you be furnished with copies of the several regulations relative to French prisoners of war in this country, and of the allowances made to them.

We are, &c. *Ambrose Serle,*
William Alby. Otway,
John Marsh.

(No. 61.) Extract of a Letter from captain Cotes to the commissioners for the Transport Service, &c. dated Paris 12th December 1797.

I BEG leave to inform you that I arrived here yesterday evening, and that this day at two o'clock I had an audience with the commission of the marine. To-morrow I am to see the minister of that department; but as the post goes for England before the hour appointed, I can only impart to you the result of my communication with the commissioners.

After

After they had read my commission, and the orders I was directed to impart to them, I was given to understand that an answer to the demands made, had been sent to Mr. Dundas's letter, in which the directory agree to the utmost extent of the board's request, as far as it concerns me, in regard to visiting the prisons, allowing me the same liberty and indulgence, in all respects, which their agent is to have in England, and stating, that both countries shall maintain their own prisoners. I inclosed you the copy of the *arrêté* of the directory, in which you will perceive no mention is made of Sir Sidney Smith. I thought it my duty to state that his release on parole appeared to me to be the basis of an exchange; but they informed me, that it was by no means conceived so on their part, that the proposal they had made of four thousand men had been rejected, and consequently was no object of discussion.

My next question was, whether Sir Sidney Smith was to be considered as a prisoner of war? the answer was, "*il est au temple.*" On my repeating the question, they said, that if the condition they proposed had been complied with, he would have been considered as a prisoner of war, from indulgence and humanity. To this I could make no reply, knowing it was not to be complied with.

No. 61. A.

EQALITY. *LIBERTY.*

Extract from the Registers of the Deliberations of the Executive Directory:—Paris, the 19th Frimaire, 6th Year of the Republic.

THE executive directory, on the report which has been made to them by the minister of marine and colonies, reporting the disposition of the English government relatively to a projet of a general cartel, for an exchange of prisoners of war:—Decree:

Article I.—That captain James Cotes, to whom a passport has been dispatched, allowing him to come to France in the character of agent for the English prisoners of war, shall receive, on his arrival, the same accommodations and facilitates which the French commissary shall enjoy in London, in the discharge of his duties.

Article II.—Immediately on the arrival of this agent, the commissioners for exchanges shall treat with him on the subject of a general cartel, conformably to the basis of the preliminary convention, dated the 29th Pluviose five year (17th February 1797) settled between the respective commissaries of both nations.

Article III.—Agreeably to the proposition made by the British government, that the respective agents shall be charged with all the expences relating to the prisoners of war of both nations, the minister of marine and colonies, is authorized to issue orders to the agent of the French Republic at London, for furnishing clothing, as well as victualling and medicines, for the French prisoners of war in England.

Article IV.—At the arrival of the British agent, it shall be notified to him that the same regulation shall be followed with regard to all the prisoners of war of his nation, the maintenance of whom shall be at the expence of the British government, and this expence to be

computed from the day that the agent of the republic shall take upon him the expence of the like service in England.

The minister of marine and colonies is charged with the execution of the present decree, which shall not be printed.

To be carried into immediate effect.

(Signed) *P. Barras.*
President of the Executive Directory,
By order of the Executive Directory.
(Signed) *La Garde.*
A true copy,
(Signed) *Pleville Le Pelly.*

A true copy,
(Signed) *Jn. Charretié.*

(No. 62.) Copy of a Letter from M. Charretié to the Minister of Marine at Paris.

29th Brumaire, 6th Year (or 19th November 1797.)

Citizen Minister,

I MAKE a separate answer to the question, stated in the last paragraph of your Letter No. 14, of the 11th Brumaire, directing me to continue to console our unfortunate countrymen, and to renew to them the confirmation of your constant solicitude for their fate; informing me at the same time, that 60,000 livres has been remitted to me on account, and that a sum sufficient to defray the first expences of clothing, &c. would be placed at my disposal.

Consolation, citizen minister, might be felt by the unfortunate prisoners, if their wants and misery had not reached their height, and if assistance could reach them in time, to give foundation to their hopes: but, citizen minister, after all that I have said to them; after all that I have had the honour of writing to you concerning that horrible situation, and that in which I myself am placed, without resources, at the mercy of a crowd of creditors, scarcely able to find the means of providing for my own subsistence, what would you have me say more, when I see clearly that you are deceived with respect to the measures which you take in regard to them. 50,000 livres have long since been announced to me by your office. You now make mention of 60,000 livres, but I have no intelligence of the arrival of the first farthing of either of those sums. If promises remain unexecuted, with respect to such sacred and necessary objects, in a service which I can no longer continue, when shall I see those realized which relate to the providing of funds for the clothing of the prisoners?—Those unfortunate people may meet with violent and painful deaths before they can be relieved; and if out of about nine thousand now confined at Norman Cross, near three thousand, sick for want of clothing, and an increase of diet, are already at the eve of perishing, what will be the case some time hence? and upon whom will the responsibility fall for so many thousand victims? My correspondence will justify me in the eyes of my country.

My soul is so oppressed that I cannot add to this melancholy description; torn and afflicted as your's must be in considering it, you will easily imagine all the horrors of such a situation. It is now too

late,

late, and those succours I have so long expected will never arrive in time, even should you, by setting aside every other matter, attend only to ordering and remitting, without losing a day, an hour, even a minute, the funds necessary for saving them from certain death.

However expeditious you may be, citizen minister, all you can hope for, is to save the remains, whom strength of constitution may have kept longer alive. What then would be the case, if the English government should order the measure of driving them all into the horrid abyss of prisons, and of reducing their allowance to half ration, be put in execution?

Nothing in the world can be more dreadful, nothing more serious for the government!!!

John-Charretié.

(No. 63.) Copy of an Affidavit made by Mr. James Perrot, Agent for Prisoners of War at Norman Cross:—Dated Peterborough, 15th December 1797.

THESE are to certify, that James Perrot, agent for prisoners of war at Norman Cross, voluntarily maketh oath, that to the best of his knowledge and belief, the certificate and affidavits given by Dr. Higgins, physician, Mr. James Magennis, surgeon, and Messieurs Chatelin and Savary, the French assistant surgeons, to the hospital at Norman Cross prisons, are strictly true, and corresponding with the accounts daily brought to him; and that the number of patients in the said hospital on the 19th day of November last, were one hundred and ninety-four, including twenty-four nurses; and the whole number of prisoners, including the sick, were on that day confined in the said prisons, five thousand and twenty-eight, and from the first establishment never exceeded five thousand one hundred and seventy-eight, and that to the present date only fifty-nine have died in the said hospital; and further to the best of his knowledge, neither contagious or epidemic disorders has ever prevailed in the said hospital or prisons.

Given under my hand at Peterborough, this 15th Day of December 1797. — *J. Perrot*, Agent.

H. Freeman.

(No. 64.) Copy of an Affidavit made by the physician and surgeon at Norman Cross Prison:—Dated Peterborough, 15th of December 1797.

WE the undersigned do voluntarily certify upon oath, that the number of sick in the hospital under our care at Norman Cross, on the 19th of November last, was one hundred and ninety-four, including twenty-four nurses: that the daily number from the 7th of August was always less; and that at no one period since the commencement of the establishment did the actual number exceed two hundred and sixty.—That the prisons are sysematically visited and searched every morning by the surgeon or his assistants, and that every pri-

soner having feverish symptoms, however slight, is immediately removed to the hospital.

We do further testify, that there was no epidemic disease or contagious fever amongst the prisoners.

James Higgins, M. D.
Physician to prisoners of war.
James Maggennis,
Surgeon to the prisoners of war there.

Sworn before me at Peterborough, this 15th day of December 1797.
(Signed) *H. Freeman.*

(No. 65.) Certificate of the French surgeons at Norman Cross Prison; dated 15th December 1797:

WE the undersigned French surgeons, prisoners of war at Norman Cross, do voluntarily certify, that the number of prisoners in the hospital at Norman Cross, on the 19th November last, were one hundred and eighty-four, including twenty-four men employed as nurses; that this number has not been more considerable since the 7th of August; and that the prisoners are visited every morning by the chief surgeons or their assistants; that whenever the prisoners are sent to the hospital, they are admitted whether their disorders are slight or violent, and while there, that they are treated with humanity and attention, and provided with every thing necessary for the re-establishment of their health. We also certify that there has not been any epidemical or contagious distemper amongst them.

Savary, surgeon of the Hardy.
Chatelaine, surgeon major of the Ville de l'Orient.

Sworn before me at Peterborough, this 15th December 1797.
H. Freeman.

(No. 66.) Extract of a Letter from captain Cotes to the commissioners for the Transport Service, &c:—Dated Paris, 17th of December 1797.

THE next and most difficult question, was the establishment of exchange. Here we could come to no compromise without your interference: as I always abided by Mr. Dundas's proposition, they as regularly rejecting it. Their proposition went to this; that the balance to the 1st of January 1797, namely, 7,019 against them, was done away by the convention of Mr. Swinburne, the 17th of February the same year. They allow the balance from the 1st January 1797 (viz. 1,645) and propose to settle it thus; to take credit for a thousand, as offered (but without any reference to Sir Sidney Smith) and pay for the 645 in money, and begin from this time *de novo*.

I assure you, gentlemen, that the complaints I have received within these two days, are numerous and distressing beyond belief. I therefore hope that such measures will be adopted as may tend to the speedy relief of our afflicted countrymen.

I am assured, by the commission of the marine, that every facility will

will be given to the forwarding of my letters, requesting the same on our side.

(No. 67.) Extract of a Letter from captain Cotes to the commissioners for the Transport Service, &c :—Dated Paris, the 6th January 1798.

I DID not lose a moment to put in execution your request of visiting the prison at Pontanezan; but on applying for a passport, I was informed it would be perfectly unnecessary, as the prisoners there had orders to remove to the depôts allotted for them by the new arrangement; and I have since received a letter to that purpose. I laid before the commission of exchange, the complaints of the prisoners at Pontanezan, which they promised to look into, and to redress. I have ordered them the payments due from the 21st of September to the 25th of December 1797, which will be a great relief to them: I also mentioned what you desired on the subject of their release.

It would have taken me at least twenty days to have gone to Pontanezan and returned hither, provided no accident had happened, the roads being scarcely passable; and as the new arrangements are about to take place, my presence here will be absolutely necessary.

The depôts are not to be far, as I understand, from Paris. Fontainebleau is mentioned as one. I have written to the commission, requesting to know, with as little delay as possible, the names of the depôts, and the time when the prisoners are to arrive at them: to this I have got no satisfactory answer.

I feel myself much indebted to the board for the true statement of facts relative to the prisoners at Norman Cross. It is inconceivable what an effect Charretié's representation had made on the *commission des echanges.* I wrote to them in consequence. M. Charretié was aware of your sending over the facts; and had, in a letter to the commission, recanted every thing he had said.

I have repeatedly asked for the *table d' avitaillement* of our prisoners, but never have been able to obtain it. They say it differs in different places. From the prisoners, I learn it is a pound and a half of bread, and two sols and a half per day, in some places.

(No. 68.) Copy of a Letter from the commissioners for the Transport Service, &c. to Captain Cotes:—Dated 7th of January 1798.

SIR,

WE herewith inclose a copy of our letter to you, No. 4, dated the 23d of last month, since when, we have not received any from you.

We also inclose, for your information and guidance, a copy of a letter which the lords of the admiralty have received from Mr. Secretary Dundas, dated the 31st of last month, and which we received yesterday, in addition whereto, we direct that you inform the commission of exchange, without a moment's delay, of your having transmitted to your government, the assurances you had received from the minister of marine, stating that the arrangements specified

in the 3d and 4th articles of the arrêté of the 9th of December, should commence on the 1st of February 1798, and of this information having been received with great satisfaction, and that you are instructed fully to agree to the above-mentioned period; that it is of the utmost importance that all the measures which France may have to take for the execution of the 3d article, should be completed by that time, inasmuch as upon the strength of the assurance given by the minister of the marine, and of his having fixed the day himself, measures have actually been taken here for annulling all the contracts for the supply of French prisoners in England, from the commencement of February, and that consequently all issues to them will then cease, from which the most embarrassing and serious consequences may ensue, if the agents of the French government in England, should not at the same time be ready to replace those indispensable supplies.

In case of any accident which may prevent the timely appointment of commissaries at the depôts which may be fixed upon in France, you will take particular care that, after the 1st of February, you either supply all the British prisoners with money for the purchase of provisions, or employ persons at the said depôts to purchase them, or agree with the French commissaries to re-pay all expences of provisions, medicines, or any other supplies, that may be necessary for the health and subsistence of the British prisoners in France. Any bills that may be necessary for the execution of these purposes, you are to draw upon us, giving us as full an account of the matter as may be in you power. We should likewise be glad if you could transmit to us the names of the depôts which may be fixed upon by the French government, for our guidance in the appointment of commissaries, who of course will be under your direction, and whose passports we conclude will be granted as a matter of course, when you apply for them.

We have such perfect confidence in your zeal and discretion for his majesty's service, that we rest assured no delay will occur in this important business; but in the event of any difficulties unforeseen by us, you will take all such possible measures as may facilitate the execution of the arrangement in question.

You will observe, that there is to be a perfect reciprocity in the whole of this transaction between the two governments, and as no obstruction will be given to the operation of the measure on our side, it becomes a matter of indispensible necessity, that the French government should be fully prepared on theirs, to effectnate the mutual engagement.

On the 4th instant, conformably to directions from the lords commissioners of the admiralty, we sent M. Charretié the duke of Portland's passport, for M. Gallois and his secretary.

You will hear from us again in the course of a few days.

We are, &c.

Rupert George.
Ambrose Serle.
John Marsh.

(No. 68.)

(No. 68. A.) Copy of a Letter from Mr. Secretary Dundas to the Lords commissioners of the Admiralty:—Dated 31st December 1797.

Parliament Street, 31st December 1797.

My Lords,

I HAVE received and laid before the king your lordship's letter of the 22d instant, transmitting copies of two letters received from captain Cotes, dated Paris, the 12th and 17th instant, to the commissioners for conducting the transport service, and taking charge of prisoners of war; and also a copy of a letter from M. Charretié to the said commissioners.

It was a great satisfaction to his majesty to find, by captain Cotes's correspondence, that the directory have been induced, in a great degree, to comply with the just demands, and to accede to the liberal proposals contained in my letter to your lordships of the 6th of October last.

The first article of the *arrêté* of the Directory of the 9th instant, and the explanation transmitted by captain Cotes, certainly remove every ground of complaint with respect to the treatment of the British agent in France. On this point I have only to observe, that as long as captain Cotes shall be allowed to visit our prisoners in France, at whatever places they may be confined, and to afford them, either by himself, or the persons who may be employed under him, such relief and assistance as they may require, under the 4th article of that *arrêté*, the same facility will be given to the French agent in London, and that he will also meet with every other indulgence in England which may be experienced by the British agent in France.

With respect to 3d and 4th articles of the *arrêté*, his majesty most sincerely hopes, that no time will be lost in France, in carrying into complete effect the measure to which they relate; and with this view as far as it depends upon his majesty's government, I am commanded to signify to your lordships his majesty's pleasure, that captain Cotes should be particularly instructed to press for the execution of the promise he has received from the French commission of exchange, "that all the British prisoners in France should be collected at a settled number of depôts," if possible not exceeding four; and that in compliance with the request of that commission, your lordships should give the necessary directions for similar steps being taken with respect to all the French prisoners in his majesty's European dominions, allowing as few depôts as possible, although it is conceived a greater number will be requisite here than in France, in consideration of the superior number of prisoners.

Your lordships will take care that the French government be informed of the orders given for this arrangement, and of such particulars respecting it as may be necessary for their guidance and information. As soon as the places fixed upon for the depôts of British prisoners in France shall be known, it is also his majesty's pleasure, that proper persons should be appointed by your lordships to assist captain Cotes in visiting those depôts, and in supplying them, under his direc-

tion,

tion, with clothing and subsistence. For this purpose it will be for your lordships consideration, whether it may not be proper and necessary, that a person acquainted with the regulations observed on these points in his majesty's service, should reside as a deputy commissary at each place of depôt, together with a surgeon to provide medicines, and to attend upon the sick. These and other regulations of detail, which the judgment and knowledge of your lordships will suggest for the better execution of this measure, should be matured and digested without delay, in order that the necessary explanation and concert upon them may be had with the French government for carrying them into effect. It appears to be absolutely necessary, that the respective governments should agree to subsist, as heretofore, the prisoners that may fall into their hands from the time of their capture, until they shall reach some place fixed upon as a general depôt, where they will of course be provided for through the agents of their own government.

With respect to the 2d article of the *arrêté*, his majesty observes, with much concern, that the French government studiously avoids coming to any explanation respecting Sir Sidney Smith—Until their determination shall be known upon this point, it is utterly impossible for his majesty to authorize captain Cotes to listen to any proposal whatever, for any cartel of exchange, either partial or general; and he must be directed distinctly to state to the French commission of exchange not only that he neither has nor can ever expect, any such powers from this country; but that no consideration whatever will induce his majesty to grant to any one French officer that now is, or may become a prisoner of war in this country, the privilege of parole, until that privilege, and the indulgences usually annexed to it, shall be extended to Sir Sidney Smith.

Whenever that event shall take place, his majesty will find great satisfaction in repealing the rigorous orders lately given, and carried into effect, with respect to all French officers; and he will be ready not only to remit *in toto* the balance of prisoners in favour of this country up to the 1st of January 1797; but to settle the subsequent balance (also in our favour) amounting, by their own statement, to 1,645 men, in the manner proposed by the commission; and to ratify, confirm, and punctually fulfil the preliminary convention of the 17th of February last, with the modifications and amendments in the 6th and 7th articles of that convention, specified in my letter to your lordships of the 1st of March following. A copy of this letter, and of the convention to which it relates, should be sent to captain Cotes, for his guidance and information on these points.

I have already stated generally to your lordships my ideas on the necessity of increasing the establishment of the office of agent of prisoners in France, for the execution of the arrangement in question; and I have only to add, that it appears but reasonable, that some contingent allowance, to be fixed by your lordships, should be made to captain Cotes for an office, and other requisites.

The accounts captain Cotes has transmitted of the situation of many of our prisoners in France, were truly painful to his majesty's feelings, and I am commanded particularly to instruct your lordships to lose no time in directing the most explicit orders to be transmitted

tell to him to use his utmost diligence and exertion to supply them with clothing suitable to the season, and every other relief which may appear requisite on an enquiry into, and a consideration of their respective situations.

I am, my Lords, your Lordships
most obedient humble Servant,
(Signed) *Henry Dundas.*

(No. 69.) Copy of a Letter from Mr. Secretary Dundas to the Lords of the Admiralty.

Parliament-street, 31*st December*, 1797.

My lords,

Mr. Huskisson having communicated to me a letter he has received from Mr. Nepean, transmitting one from captain Bergeret, late commanding officer of the French frigate La Virginie to him, requesting permission to return once more to France on his parole, with a view, if possible, of removing the difficulties which have hitherto prevented the establishment of a cartel of exchange between the two countries, I took the earliest opportunity of receiving the king's commands upon this subject.

Notwithstanding the total failure of his first attempt for this purpose, his majesty, in consideration of his honourable and officer-like conduct on that occasion, has been graciously pleased to signify his commands, that your lordships should give the necessary directions for allowing him to go again to France on his parole, on condition of his returning to this country within six weeks, if unfortunately his hopes of success should not then be accomplished by the liberation of captain Sir Sidney Smith.

The motives of his majesty's conduct on this occasion cannot be mistaken; in his sincere and uniform wish to alleviate the calamities of war, he anxiously embraces every opportunity, consistent with the honour of his crown, and the just rights of his subjects (however doubtful the chance of success) that may by possibility conduce to this laudable end.

With respect to captain Bergeret in particular, his majesty cannot but regret the hardships, certainly unmerited, to which he, in common with other French officers, is at present exposed. The orders for their confinement were reluctantly enforced by his majesty, as the only means left of obtaining justice for Sir Sidney Smith and other English prisoners, detained in France after every mild and conciliating proposal for this purpose had been disregarded or rejected.

The grounds of his majesty's proceedings in this respect are indeed so clearly established by all the communications that have taken place between the two countries, that it appears to me very desirable, that my letter of the 6th of October last, written in obedience to his majesty's commands, together with the papers therein referred to, and all the correspondence that has since passed upon this subject between the two countries, should be communicated to captain Bergeret, and that for this purpose he should be desired to wait upon the commissioners for taking charge of prisoners of war in London, before he embarks for France. Whatever may be the result of his mission, his

majesty is satisfied on the one hand, that in case of failure, he will return honourably to discharge his engagement, under which he is allowed to proceed, and on the other, in case of his succeeding in an object which his majesty has so much at heart, the restoration of thousands now detained on both sides to their families and their country, would be the fortunate return for that liberal confidence which has induced his majesty to comply with captain Bergeret's request.

I am,
My Lords,
&c. &c. &c.
(Signed) *Henry Dundas.*

(No. 70.) Extract of a letter from Captain Cotes to the Commissoners for the Transport Service, &c.:—Dated Paris, 11th of January, 1798.

I beg leave to inform you I was this day sent for by the minister of the marine. It was to know whether I had made the necessary preparations for victualling, clothing, &c. &c. the English prisoners in this country. I gave him to understand, that it was impossible to establish any such regulation, till I was instructed where they were to be confined; and that I had made demands for that purpose at our first interview, and had repeated them several times since. Finally, that I had written twice on the subject without receiving an answer. Orders were then given, and not before, for my being informed where the depôts were to be established. He had learnt, by letters, I suppose, that the French officers were still confined in England: I observed, that the cause not being done away, it was not to be supposed otherwise; he said, in that case retaliation should take place; similar orders were then given for our's to be confined. He dwelt on the extraordinary rigour of confining so many officers for one, as contrary to justice and humanity; and proposed that one, or even the number of ten, should be confined as an equivalent. He had for answer, that the strict rule of justice is as completely broken by the detention of one person as of numbers; and that the fault lies with those who persist in the violation of the rule, not with those who make reprisals in the hope of having it kept inviolable: I added, that the conduct and motives of the English government, were in that particular fully made known to them in Mr. Dundas's letter, to which I referred them.

(No. 71.) Extract of a Letter from the Commissioners for the Transport Service, &c. to Captain Cotes:—Dated the 13th of January, 1798.

We herewith transmit copy of a letter we lately received from Mr. Charretié, requesting leave to visit the prison ships at Chatham, and of our answer thereto; and we direct you, on receipt of this, to make similar application to the commission of exchange, for your being permitted to visit any one of the depôts near the sea side, where British prisoners are confined, and where you may consider your presence the most useful to them. As it is of the utmost importance for us to

know

know, whether the French government really mean that you should be permitted to visit sea ports where prisoners are confined, we shall expect to hear from you, with as little delay as possible, the result of your application hereon.

(No. 72.) Extract of a Letter from Captain Cotes to the Commissioners for the Tranſport Service, &c. :—Dated the 21st of January 1798.

I urged your request relative to the speedy appointment of the depôts, and remonstrated in the strongest manner by letter on the cruel situation in which I should be found, if so many men should be thrown upon my hands, before a necessary establishment was made for their reception. My extreme impatience and anxiety produced a similar effect on the commission; and they promised, in the most unequivocal and positive terms, that the priſoners should be taken care of, and that they shall not be at my charge till they arrive at their depôts. I inclose you their letter on that subject: you will perceive the delays and vexations I experience.

I had anticipated the board's wish, in agreeing, in case of delays, that the prisoners should not be unprovided for; and to pay to the French commissaries, what expences should be incurred in consequence of such delays. The names of the depôts I am promised absolutely on the 5th of pluviôſe (24th instant) and I shall acquaint you with them immediately. What I hear at present is, that the whole will amount to five or six; they give for a reason, that a large number of prisoners in any particular place might be attended with great inconvenience, sometimes for want of provisions. They are to be about forty leagues in the round from Paris; and convenient for ports of embarkation. Amiens is thought of as one, Beauvais is another; Fontainebleau and Melun are mentioned for two more.

I learn, with great concern, that the French government found means to enlist for the expedition on Ireland three or four hundred, who were, as I am told, debauched into the scheme, understanding they were to be ſent for exchange. They have not been heard of since by any of their comrades.

(No. 73.) Extract of a Letter from Captain Cotes to the Commissioners for the Transport Service, &c. :—Dated Paris, the 26th of January 1798.

Yesterday the commission informed me, that four places were decided upon for the reception of three thousand men, namely, Amiens, Laon, Melun ſur Seine, and Versailles: I made enquiry relative to the persons to be sent over, to which they object, giving for reason, that only two persons are sent to England by them, and that they on their part will admit of no other than myself and Mr. Fisher, with an assitant clerk or two, if I should judge it necessary. "No others would be considered as protected men; but on the contrary." These are literally their words.

(No. 74.)

(No. 74.) Extract of a Letter from Captain Cotes to the Commissioners for the Transport Service, &c :—Dated the 30th of January 1798.

I have received your dispatches No. 7. bearing date the 13th instant, after a detention of some days, in consequence of the Municipalité of Calais being changed. I immediately applied by letter to the commission, of which I inclose a copy, to which I have hitherto got no answer.

I had yesterday an interview with the commission, who assure me, they are come to a final determination, not to make any exchange except it shall be general; that whatever cartels come over, they will be returned empty, as the crews they contain are not of their choice; but that they will take an account of those who arrive, and give us credit for them on a general exchange.

The great object at this moment with the commission of the marine. is a general exchange, which they propose as follows: " is the " English government willing to establish a general exchange, on the " basis of the Convention of 1780?" Their proposition goes to this, that, after the exchange is so far advanced, that none remain on one side; the other party shall ransom theirs, by paying for them, immediately on their delivery, in money, according to a tariff of ranks inclosed; the prices therein mentioned either to be abided by, or others agreed on. Otherwise, they say, that when we have withdrawn all our prisoners, eighteen or nineteen thousand of their's must necessarily remain in captivity.

(No. 74. A.) Copy of a Letter from Captain Cotes to the Commissioners of Exchange at Paris :—Dated 29th January 1798.

Paris, the 10th Pluviose (29th January 1798, O. S.)

Citizens Commissaries,

The Transport Board informs me, that citizen Charretié has recently solicited permission to visit all the depôts of your prisoners, beginning with the one at Chatham, to distribute among them clothing, in such a manner as to ensure his responsibility; and that this permission has been granted to him, the agent at Chatham having been ordered to facilitate this operation by all possible means. An object of the same nature requires my care; and I apprize you, that by virtue of the orders which I have received from the Transport Board, I have to request you will inform me, by any official answer, whether I may be permitted to visit our prisoners in the depôts where they are at present placed upon the sea coasts, or wherever else they may be situated, in order to examine their clothing, and to supply their wants?

As this service will not admit of delay, I request you will give me a speedy and categorical answer; upon the receipt of which, I will immediately name the depôt at which I would wish to begin.

James Cotes.

(No. 74. B.)

No. 74. B.

TABLE of the correſponding Ranks in the Engliſh and French Service, with their propoſed Value in Men or Money.

RANKS in the NAVY.		RANKS in the LAND SERVICE.		VALUE.		Obſervations.
FRENCH.	*ENGLISH.*	*FRENCH.*	*ENGLISH.*	In Men.	In Money.	
Vice Admiral commanding in Chief, having the temporary Rank of Admiral.	Admiral commanding in Chief.	General of Diviſion commanding in chief.	Captain General or Field Marſhal.	60.	£. Sterling 60	
Vice Admiral.	Admiral carrying his Flag at the Main. Vice Admiral.	General of Diviſion.	General.	40.	40.	
Rear Admiral.	Rear Admiral.	General of Brigade.	Lieutenant-General.	30.	30.	
Chief of a Squadron.	Commodore.	Inferor to the preceding; ſuperior to the following.	Major-General.	20.	20.	
Captain of a Ship of the Line.	Poſt Captain of Three Years ſtandIng, whoſe Rank anſwers to that of Colonel. D° having Rank of Lieut. Colonel.	Chief of Brigade.	Brigadier-General.	15.	15.	
Captain of a Frigate.	Maſters and Commanders, or Captains not Poſt, having Rank of Major, amongſt whom are included Captains of Fireſhips, who are Maſters and Commanders.	Chief of Battalion or Squadron.	Colonel.	8.	8.	
Lieutenant of a Ship of the Line.	Lieutenant without Diſtinction.	Captain.	Captain.	6.	6.	
Enſign of a Ship of the Line.	Lieutenant, when all the French ſhall be exchanged, and in Default of Engliſh Lieutenants, Midſhipmen.	Lieutenant.	Lieutenant.	4.	4.	
Midſhipman, Maſter of a Merchant Veſſel, and Captain of a Privateer.	Midſhipman, Maſter of a Merchant Veſſel, and Captain of a Privateer.	Second Lieutenant.	Enſign.	3.	3.	Note.—The Prices are to be fixed upon (if agreed to) by the contracting Parties.
Lieutenant of a Merchant Veſſel or Privateer, and all Petty Offieers.	Petty Officers.	Non-commiſſioned Officers, down to the Rank of Corporal, incluſive.	Non-commiſſioned Officers, down to the Rank of Corporal, incluſive.	2.	2.	
Seamen, Volunteers, and others being conſidered as common Seamen.	Seamen. Volunteers, and others conſidered as common Seamen.	Soldiers.	Soldiers.	1.	1.	(Signed) *J. Cotes.*

(No. 75.) Extract of Letter from Captain Cotes to the Commissioners for the Transport Service, &c. Dated Paris, Feb. 4, 1798.

THE letter I have just received, and of which I herewith send you a copy, will remove all doubt of the commission's intention not to let me visit the sea ports.

(No. 75. A.) The Commission for the exchange of prisoners of war, to Mr. James Cotes, Commissary of the English government.

Paris, the 16th Pluviose, 6th year of the Republic, one and indivisible (4th February 1798.)

IN the two letters which you wrote to us of the 10th Pluviose (29th January, Old Style) relative to the transfer of the prisoners of your nation into the interior; you ask us for information which it is not in our power to afford you. We therefore refer you to what we signified to you in detail, in our letters of the 28th Nivose and 9th Pluviose (17th and 28th January, Old Stile.) The English prisoners are distributed in so many districts, that it would be impracticable for you to visit them, and besides, orders have been given for transferring them to the departments which we pointed out to you. It will also be impossible for us to acquaint you with the exact periods of the departure and arrival of the prisoners. Moreover, such an object is foreign to your mission, because Government will only burthen you with the nourishment and clothing of these prisoners from the time of their being collected together.

We have already had the honour to apprize you, that you may calculate upon 3,000 men, and we have pointed out the commune of Versailles or of Melun, as the central point which will afford you the easiest means for the performance of your operations.

G. A. Cottrau.
T. L. Desains.
M. A. Bourdon.

(No. 76.) Extract of a Letter from the commissioners for the Transport Service, &c. to Capt. Cotes—Dated Feb. 5, 1798.

WITH respect to the daily allowance for our officers, we direct you to cause all British prisoners, who are commissioned officers in the sea or land service, to be paid after the rate of eighteen-pence per day, whether in prison or on parole, in lieu of the ration of provisions; and you are to pay all other prisoners, of the ranks hitherto entitled to parole in this country, after the rate of nine-pence per day, provided they should prefer that allowance to the rations which we have instructed you to cause to be issued to all British prisoners in France. It is necessary you should observe, that over and above these allowances, those mentioned in the paper delivered to you with our letter No. 2, are still to be continued.

We inclose copy of a letter which we have this day received from Mr. Secretary Nepean, by which you will see, that, in consequence of the information contained in your letter No. 6, we are directed to suspend sending the persons mentioned in our last, as sub-agents to France, until further orders; but as it is considered of the utmost importance, the English surgeons should be sent over to take care of our prisoners, we have no doubt that you will do every thing in your

power

power to obtain passports for the four surgeons whose names we have already transmitted to you; and if you should succeed, as we trust you will, you are to send their passports to us without delay, as it is not intended they should leave London until we know the result of your application.

You will see, by the inclosed copy of Monsieur Bergeret's engagement, the conditions on which he has been permitted to go to France; and we have only to add, that the permission was granted to him in consequence of an application from himself to the Lords of the Admiralty.

(No. 77.) Copy of a Letter from M. Nettement to the commissoners for the Transport Service, &c. dated 6th February 1798: With annexed extract of a letter from the Minister of Marine to M. Nettement, dated Paris, 16th January 1798.

GENTLEMEN,

I TRANSMIT to you herewith the extract of a letter which I have received from the Minister of Marine; it will inform you, that my mission is no longer to have any direct connexion with that of the citizen Gallois.

I am, with perfect consideration, Gentlemen,
Your very humble servant,
Nettement.

The Minister of Marine and Colonels, to Citizen Nettement, agent of the Marine, employed to administer subsistence and clothing to the prisoners of War in England.

Paris, 27 Nivose, 6 year, (or 16th January 1798.)

THE Citizen Gallois having urged his desire not to have any connection between his duties, and those which I have authorized you to fulfil, for the subsistence and clothing of the prisoners of war, I acquaint you, that you are to remain with the sole charge thereof, and that the article of your instructions, which subjected your transactions to the controul of the commissary, annulled; it is now with me that you are to correspond directly.

I have considered that your duties, which require much active labour, may not permit you to attend to that which is compatible with the place of Secretary, attached to the French commissary; in consequence, I have directed Citizen Gallois to replace you in that charge.

(Signed) *Pleville le Pelly.*

(A true copy) *Nettement.*

(No. 78.) Copy of a Note from M. Gallois to the Commissioners for the Transport service. &c. dated London, 16th February 1798:

THE Commissary of the French Republic, for settling the Exchange of prisoners of war, presents his compliments to the Commissioners of the Transport Board, and has the honour to send to them the annexed letter of the Minister of Marine, accompanied with a certified copy of the decree of the Executive Directory, which named him as a commissary for the exchange of prisoners: He requests the com-

commissioners to have the goodness to return these papers with their conveniency. He will have the honour of transmitting, to-morrow, the two notes, on the subjects stated to him yesterday.

(No. 78. A.) Copy of a letter from the Minister of the Marine to M. Gallois, dated Paris 1st December 1797: With annexed decree of the Executive Directory, dated 28th November 1797.

LIBERTY. *EQUALITY.*

The Minister of the Marine and the Colonies, to the Citizen Gallois, associated Member of the National Institution, at the Citizeness Helvetius, at Anteuil.

Paris, the 11 *Frimaire, sixth year of the Republic, one and indivisible (1st December* 1797.*)*

YOU will find herewith (citizen) a dispatch, containing the decree of the Executive Directory, who nominates you to the place of Commissary to the French Government for the exchange of prisoners of war in England; I enjoin you speedily to set about fulfilling the intentions of the Directory, and to repair to the commission of exchanges held at my office, where you can obtain all the information that you may think necessary, over and above the instructions which will be delivered to you for the execution of your mission.

Pleville le Pelly.

EQUALITY. *LIBERTY.*

Extract from the Registers of the Executive Directory.

Paris the 8 *Frimaire, sixth year of the French Republic, (28th November* 1797.*)*

THE Executive Directory decrees as follows:

That the Citizen Charretié, Commissary of the French Government for the exchange of prisoners of war in England, is recalled.

He shall be replaced by the Citizen Gallois, associated Member of l' Institut National.

The Minister of the Marine is charged with the execution of the present decree, which shall not be printed.

As a true copy, the President of the Executive Directory,
(Signed) *Barras.*

By the Executive Directory, the Secretary General,
(Signed) *La Garde.*

(A true copy) *Pleville le Pelly.*

(No. 79.) Copy of a Letter from M. Gallois to the Commissioners for the Transport Service, &c. dated George-street, 7th February 1798.

GENTLEMEN,

THE commission of exchanges held at Paris, has requested, almost a month ago, Mr. James Cotes, commissary of the British Government, to require of you, for the purpose of putting an end to the greater part of the subjects of complaint, and importunities of the prisoners,

prisoners, to soften their misfortune as much as possible, and to lessen on each side the inevitable calamities of war, that your government would think of the expediency of adopting the measure of a general and absolute cartel, founded on the basis of that in 1780, man for man, and rank for rank, and paying the surplus of the balance in money, at fixed periods. The commission farther proposed to Mr. James Cotes, that in the interval which might elapse, between the request from them and your answer, they would bring the same subject before the Executive Directory for its discussion, to the end that, the notification of the will of the two governments being made known at the same period, the business might immediately be brought to a speedy and easy conclusion.

I request, Gentlemen, that you will be pleased to inform me of the intention of your Government, respecting a subject so intimately connected with the principles of humanity, and the reciprocal interests of both nations. You must be convinced of the zeal and good faith with which my Government will concur, on their part, in removing all the difficulties which might tend to impede this salutary measure.

I have the honour to be, your most humble servant,
(Signed) *Gallois.*

(No. 80.) Extract of a Letter from Capt. Cotes to the Commissioners for conducting his Majesty's Transport Service, &c.—Dated Paris, 17th February 1798.

I HAVE made known to the commission the various indulgences and facilities which the French commissaries meet with in England; and I wish I could say I am accommodated in the same liberal and handsome manner; but the delay in fixing the depôts, and removing our prisoners, notwithstanding my reiterated remonstrances, is one proof, among many, of the direct contrary.

By letters I have received this day from Pontanezan and Dunkirk, I learn that the prisoners were not any of them marched to the interior on the 9th of this month.—You will perceive what regard the commission pay to their promises.

(No. 81.) Extract of a Letter from the commissioners for the Transport Service, &c. to Capt. Cotes:—Dated the 17th of February 1798.

WITH respect to your visiting the depôts, it is expected that the same liberties will be granted in every respect to you, and those whom you may employ, as is granted to M. Nettement, and the agents acting under him.

M. Nettement informs us of his having acquainted the French Government with our having allowed him the use of the bedding, and all the utensils for cooking, &c. that were in use at the time of his taking charge of the prisoners at the several depôts, and makes no doubt but the like advantages will be granted to you.

(No. 82.) Extract of a Letter from Mr. Secretary Dundas to the Lords of the Admiralty.

Parliament Street, 21st February 1798.

My Lords,

I HAVE received, and laid before the king, your Lordships letter of the 19th instant, with its two inclosures, received from Mons. Gallois; the one relative to an immediate and general exchange of prisoners, and the other to the orders lately issued for the destruction of French fishing vessels.

On the first of these subjects I must observe to your Lordships, that if his majesty's determination respecting it had not been already signified to the French government, it would certainly be improper to enter into any explanation whatever with M. Gallois in answer to his note, for it is obvious, from the contents of that note, that neither he nor the commission of exchange at Paris, whose agent he is, are empowered to conclude a cartel of general exchange between the two countries, even on the extravagant terms and conditions specified by M. Gallois in the note; and, on the contrary, that the proposition of this cartel is merely a suggestion of the commission of exchange, unauthorized by the Executive Directory, whose intention respecting it is not known to them.

It appears almost impossible to suppose that M. Gallois can seriously expect the government of this country can enter with him into any discussion of this proposal, which it would certainly be time enough to consider when it should be ascertained by the commission of exchange, and notified to him, that in making it, he was acting in conformity to the intention and formal determination of the Directory. On these grounds his majesty could not have consented to direct your Lordships to authorize any explanation whatever being given to M. Gallois on the subject; but as his majesty's firm determination respecting it has already been communicated through Captain Cotes to the commissioners of exchange at Paris, at whose suggestion this proposal is now brought forward, in order to bring it to a speedy issue with M. Gallois, and to prevent further trouble, it is his majesty's pleasure that you should direct the commissioners of transports, in communicating to him the above observations, to refer him at the same time to my letters of the 6th October and 31st December last (with copies of which he should be furnished) and distinctly to inform him, that no proposal of a general cartel, or of any cartel tending to restore to the French government a greater balance of French prisoners than is therein specified, can be listened to or admitted by this country.—The commissioners of transports should be instructed at the same time to call upon M. Gallois, and, through Captain Cotes, upon the commissioners of exchange at Paris, to obtain, as expeditiously as possible, an official answer upon this determination; as in the event of its being declined, it would be unnecessary and improper for M. Gallois, whose mission is confined to the negotiation of a cartel, and in no respect connected with the care or charge of French prisoners in England, to remain any longer in this kingdom.

With respect to M. Gallois' other note, relative to French fishing

vessels

vessels, it is certainly a subject on which this country is not called upon to give him any explanation whatsoever.

I am, my Lords,

Your Lordships most obebient humble Servant,

Henry Dundas.

(No. 83.) Copy of a Letter from Mr. Secretary Dundas to the Lords of the Admiralty.

Parliament Street, 23d February 1798.

My Lords,

I HAVE this morning received your lordship's letter of yesterday's date, transmitting to me a copy of two letters from Captain Cotes to the commissioners for conducting the transport service, and taking charge of prisoners of war, with one inclosure; all of which I lost no time in laying before the king.

Upon a consideration of the conduct of the Executive Directory as therein stated, in refusing passports to the agents who had been appointed to assist Captain Cotes in providing for the subsistence and taking charge of the British prisoners in France, and of some other circumstances, which it is unnecessary for me at present to detail to your Lordships, his majesty has been pleased to determine that, in addition to the answer to be given to Mr. Gallois' two notes, in conformity to my letter of yesterday's date, no time should be lost in signifying to him that, intelligence having since been received from Captain Cotes, that the Directory will only allow one principal agent in France (Captain Cotes) for the superintendence and management of every arrangement for supplying our prisoners of war, only one can be allowed here, and that Mr. Nettement is already in that capacity. That Mr. Gallois' mission to this country, however, being perfectly distinct, inasmuch as it is confined to the negotiation of a cartel of exchange, time will be allowed him, if he wishes it, to transmit to Paris the final determination of this government on the subject, as specified in my letter of yesterday (although it has been already stated, throug Captain Cotes, so long ago as the 31st December last) and to receive an answer; but if this proposal should not be accepted by the French Directory, or in case no answer should be received by him within a reasonable time to be allowed for that purpose, he cannot then be suffered to remain any longer in this country; and it is further his majesty's pleasure that, in the interval (should he remain here) he shall, within twenty-four hours after notification thereof shall be made to him, repair to and reside at, some place distant not less than ten miles from London, as his presence in the capital cannot be necessary until he shall receive the said answer, for any purpose of his mission.

With respect to Mr. Nettement, to whom is intrusted the whole duty of superintending the supply of provisions, and other articles for the use of the French prisoners, and every thing relative to their care and management in this country, it is his majesty's pleasure that no alteration should be made in the arrangements with him for that purpose, and that he should continue to receive every facility, consistent with former restrictions, and particularly those contained in my letter of the 25th ultimo, for the due exercise of his functions, in the expectation that a like facility will be afforded to Captain

2 Cotes,

Cotes, but no greater number of assistants can be allowed him than is necessary for the conduct of his business; and the continuance of the liberty and indulgence he has hitherto met with, to avail himself of the assistance of persons sent over for this purpose by the government of France, will depend upon the government of this country being also allowed to send over to France a sufficient number of persons, in proportion to the number of prisoners for which Captain Cotes has to provide, and of depôts at which they may be stationed, to act as assistants to him, in the execution of the duties of his situation towards the English prisoners in France.

With respect to the manner of forwarding the correspondence of the agents to their governments respectively, on which Captain Cotes appears, by his letter of the 17th instant, to have had a communication with the commission of exchange at Paris, there can be no objection to their proposal, that all letters addressed to Captain Cotes from this country, shall be transmitted to Mr. Renard, the Commissaire de la Marine at Calais, or to any other public officer the French government may appoint for this purpose; but for the same reason his majesty cannot allow of the French government pointing out the channel in this country through which their letters shall be forwarded to the French agent here; and it is therefore his majesty's pleasure, that the French commission of exchange at Paris, and Messrs. Gallois and Nettement, should be informed that no correspondence will be allowed to pass in this country, either to or from the latter, but through the medium of the commissioners of transports, and under the restrictions specified in my letter of the 25th of last month.

Captain Cotes having complained, in his dispatch No. 10, of the 17th instant, that the disposition and conduct of the French government towards him and the British prisoners, by no means correspond with the liberality and attention experienced by the agent and prisoners of France in this country, I cannot close this dispatch without adverting to this circumstance, and at the same time mentioning with deep regret to your lordships, that I have received from other quarters, equally to be relied upon, the most distressing accounts of the situation of the British prisoners, particularly the officers (including Sir Sidney Smith) now detained in France. With these accounts before me, I feel it a duty incumbent upon my public situation once more to recall to your lordships recollection, and to request the necessary steps may be taken to impress upon the mind of M. Gallois, that upon this subject it has been (as it still continues to be) his majesty's most anxious desire to alleviate, as much as possible, the calamities of war, by establishing an immediate cartel of exchange between the two countries, upon the very liberal terms specified in my letter of the 6th of October last; and that next to this object (should the French government pertinaciously continue to refuse so equitable a proposal) his majesty has nothing more at heart than to be relieved from the necessity of persevering in the rigorous measures he has lately been compelled to adopt towards all French prisoners, who by their rank would otherwise be entitled to the benefit of parole, in this kingdom. The real grounds of those measures are so repeatedly stated in every part of my correspondence respecting Captain Sir Sidney Smith, and the tardy recurrence to them so fully evinces the reluctance with which they were finally adopted, as to leave no doubt,

that on the one hand, it has been his majesty's unceasing endeavours to prevent any aggravation of the calamities inseparable from a state of hostility, and on the other, that to the French government alone, rejecting every proposal of conciliation, and persisting to violate, in the person of the above-mentioned officer, every privilege of war as established between civilized nations, can be imputed the present suspension of those same privileges with respect to the French officers in England. Firmly resolved to maintain, under every circumstance, the honour and dignity of his crown, and of these kingdoms, to fulfil to the utmost of his power every duty of protection towards all his subjects engaged in their defence, and to do justice to the gallant officer in question, no consideration whatever will induce his majesty to deviate from the system which, applying those principles to the conduct of the enemy, he has been compelled to adopt, until a disposition, corresponding to that so often but unavailingly expressed in the most liberal offers on the part of this country (and which his majesty is now ready to confirm) shall be manifested and acted upon by the French government.

I am, my Lords,

Your Lordships most obedient humble servant,

Henry Dundas.

(No. 84.) Extract of a Letter from the Commissioners for conducting the Transport Service, &c. to M. Gallois; dated the 25th of February 1798.

SIR,

WE think it proper to inform you, that it is necessary you should immediately let us know, if it be your wish to remain in this country until you receive an answer from your government to the points contained in Mr. Dundas's letters; and in that case it is our duty, in conformity to his majesty's pleasure, to give you notice, as we hereby do, that you must, within four-and-twenty hours from the receipt of this letter, repair to some place distant not less than ten miles from London, where you must remain, until you receive the said answer; informing us of the place you may make choice of; but if you should not consider it necessary to wait for further instructions from France, we acquaint you, that every facility of passports, &c. will be immediately granted to you, to leave this country.

We are &c. *Rupert George, Ambrose Serle,*
W. A. Otway, John Marsh.

(No. 85.) Copy of a Letter from M. Gallois to the Commissioners for the Transport Service, &c.

George Street, Portman Square,
6 Ventose, 6th Year of the Republique (26th February 1798.)

GENTLEMEN,

MR. WHITEHEAD, secretary of your department, came yesterday evening, at nine o'clock, to deliver to me, by your directions, a packet, containing your letter of the same date, and the copies of four letters from Mr. Henry Dundas to the lords of the admiralty.

From the public character with which I am invested, and which

is

is so openly acknowledged by the British administration, the only answer, which the respect due to my own government permits me to give, is, that I cannot, without it's orders, submit myself to the condition intended to be imposed on my residence in this country, and in consequence, that my intention is to return to France as soon as possible. I remain here till you shall take the necessary measures to facilitate my departure.

I have the honour to be, &c.

Gallois.

(No. 86.) Copy of a Letter from Mr. Secretary Dundas to the Lords of the Admiralty.

Parliament Street, 27th February 1798.

My Lords,

I HAVE received and laid before the king your lordships letter of yesterday's date, inclosing a copy of a note from M. Gallois to the commissioner for conducting his majesty's transport service, and taking charge of prisoners of war.

In obedience to his majesty's commands, I herewith inclose to your lordships a passport to be delivered to M. Gallois without delay, for the purpose of enabling him to return to France. In transmitting to M. Gallois this passport, the above-mentioned commissioners should be instructed to observe to him, that his public character has neither been mistaken nor disallowed in this country:—That it could not be mistaken, for on the one hand it appears, by M. Nettement's statement, in his letter of the 6th instant, that M. Gallois' commission had no connection with any thing relative to the clothing, subsistence, charge, or supply of the French prisoners in this country, exclusively reserved to the latter; and on the other, by the letter to M. Gallois from the minister of the marine of the 6th Frimaire (26th November) communicated to the commissioners of transports since his arrival, and by his own proposal of the 17th instant, that the object of his appointment was the negotiation of a cartel for the exchange of prisoners of war between the two countries.—That when a proposal to this effect was received from him, though avowedly made without any authority for that purpose from the French government, his majesty's ministers, so far from availing themselves of this most extraordinary circumstance to disallow his public character, returned him an explicit answer upon the subject, and allowed him sufficient time to transmit it to his government, and to receive their answer respecting it. That not having heard from himself, or from any other quarter, that his mission had any other object than this negotiation, his majesty's ministers must therefore consider the above-mentioned allegation as entirely without foundation.

With respect to his comment on the conditions on which he would have been allowed to continue in this country, it is the more extraordinary, as his majesty's agent in France, vested with similar authority, was required and compelled to reside, during several months, at a distance of not less than 50 miles from Paris.

It is further expedient, in order to defeat as far as possible the consequences of any misrepresentation, that the commissioners of transports

ports should be instructed to inform M. Gallois, with a reference to my letter of the 22d instant, respecting M. Nettement's situation, that it is not intended, in consequence of any thing that has passed between them and M. Gallois, to make any change in that situation, as long as Captain Cotes, whose mission is strictly confined to the same objects with which M. Nettement, aided by persons from France*, is charged here, shall be allowed to continue at Paris unmolested in the discharge and execution of the same.

(Signed) *Henry Dundas.*

(No. 87.) Extract of a Letter from Captain Cotes to the Commissioners for the Transport Service, &c. dated Paris, 13th March 1798.

I HAVE perused the two letters of Mr. Dundas, of the 21st and 22d February, with minute attention, the contents of which shall be rigidly adhered to. On the subject of Sir Sidney Smith in particular I have to observe, that much has been attempted since I had last the honour of writing to you.—On the 13th ultimo I was permitted to see him, accompanied by the commission. I found his health much impaired by close confinement, and caused a report to be made by the physician of the marine, wherein it was declared, that society, exercise, and a change of air were requisite.—In a subsequent interview with the minister of the marine and the commission of exchange, the minister made a proposal to the following purport, which he twice repeated, and offered to give me in writing, "that if the English government would replace the French officers, now confined, on the footing of parole, Sir Sidney Smith, and all our officers, should have the same indulgence." I readily consented to transmit his proposal, and had prepared my letter for that purpose, when I received one from the commission, desiring me to wait till the minister should be sanctioned in his offer by the Directory. The next day brought me a second letter, declaring the consent of the Directory *was not to be obtained.*

* M. Vochez, M. Campmenc.

No. 88.

STATE of the EXCHANGE of PRISONERS of WAR between GREAT BRITAIN and FRANCE, to the 1ſt of January 1797.

	Men.		Men.
Balance againſt France on the 1ſt of January 1796 — —	10,062	Britiſh Priſoners received from France between the 1ſt of January 1796 and the 1ſt of January 1797 — —	1,645
Sent to France between the 1ſt of January 1796 and the 1ſt of January 1797 — — — — —	2,481	Balance due to France on the final Settlement of the Exchange of Priſoners of War between it and the Duke of York's Army on the Continent — — —	3,879
		Balance due by France on the 1ſt of January 1797 — —	7,019
	12,543		12,543

Tranſport Office,
19th March 1798.

Alex. McLeay, Prin. Secy.

No. 89.

STATE of the EXCHANGE of PRISONERS of WAR between GREAT BRITAIN and FRANCE, ſince the 1ſt of January 1797.

	Men.		Men.
French Priſoners ſent to France — — — —	5,045	Britiſh Priſoners received from France — — —	2,050
		Balance againſt France — — — — —	2,995
			5,045

N. B. The above balance of 2,995 men, is excluſive of 702 French fiſhermen, paſſengers, and other perſons not connected with the navy or army, who have been permitted to return to France ſince the 1ſt of January 1797.

Tranſport Office,
19th March 1798.

Alex. McLeay, Prin. Secy.

(No. 90. A.) Copy of the Instructions for Colonel Tate, on his military operations and marches; signed by General Hoche.

INSTRUCTIONS FOR COLONEL TATE.

THERE will be placed under the command of Colonel Tate, a body of troops, completely organized, to the number of one thousand and fifty, all resolute determined men, with whom he may undertake any thing: They are to be called "La Seconde Legion des Francs."

The legion is completely armed; he will be likewise furnished with fast-going vessels with which he is to proceed, before, with, or after the squadron; the vessels will be victualled for the passage, but the legion will bring on shore nothing but their ammunition, which is to be musquet cartridges.

Col. Tate is to have the command in chief of the legion; the Admiral will give the necessary orders to the officer commanding the naval force, which will proceed up St. George's channel, and the landing is to be effectuated, if possible, in or near Cardigan Bay.

But should Colonel Tate, on arriving opposite the mouth of the Severn, learn that the river is little or not at all defended, and that the wind and tide allow him to sail up, he will endeavour to execute a *coup de main* on Bristol, which is the second city in England for riches and commerce; the destruction of Bristol is of the very last importance, and every possible effort should be made to accomplish it.

For this purpose, it will be proper to reconnoitre the mouth of the Severn, in the day time, and to sail up the Avon at night fall, within five miles of the town, where the landing should be made, on the right bank, in the greatest silence, and the troops being supplied with combustible matter, Colonel Tate is to advance rapidly in the dark, on that side of Bristol which may be to windward, and immediately to set fire to that quarter. If the enterprize be conducted with dexterity, it cannot fail to produce the total ruin of the town, the port, the docks, and the vessels, and to strike terror and amazement into the very heart of the capital of England.

This object being fulfilled, Col. Tate will immediately re-embark cross the Severn, and land below Cardiff, which he will leave on his right, and proceed towards Chester and Liverpool, in the manner to be pointed out in these instructions.

During the passage, Colonel Tate will take care that the troops observe the most exact discipline, and will recommend to the naval officers to carry a press of sail.

At the moment of the landing, each soldier is to be furnished with one hundred rounds of ammunition, provisions for four days, and a double ration of wine or brandy, to recruit them after the fatigues of the voyage.

Not a moment is to be lo t in the debarkation, and the soldiers must carry their ammunition and provisions, until they can secure bât horses; they are never to quit them, and are to take care to supply what may be expended on every possible occasion. For the first two days, the legion is to keep in one body, observing not to suffer any to lag in the rear.

Colonel Tate will feel the necessity of gaining a close and strong country with all possible speed, and before committing any act of hos-

hostility; he will take care to avoid the morasses, as well from regard to the health of the troops, as to avoid being surrounded by the enemy, who would of course endeavour to profit of such a defect in his position.

The expedition under the command of Colonel Tate has in view three principal objects; the first is, if possible, to raise an insurrection in the country; the second is, to interrupt and embarrass the commerce of the enemy; and the third is, to prepare and facilitate the way for a descent, by distracting the attention of the English government.

In all countries, the poor are the class most prone to insurrection, and this disposition is to be forwarded by distributing money and drink; by inveighing against the government, as the cause of the public distress; by recommending and facilitating a rising to plunder the public stores and magazines, and the property of the rich, whose affluence is the natural subject of envy to the poor.

It is, notwithstanding, to be observed, that however defective may be the morality of the English people, they have still a respect for the laws and their magistrates, even in the moment of insurrection; it will be therefore adviseable to spare, as much as possible, the property of those who may may be in any civil function, and even of the country gentlemen; all impositions should be laid on the peers, the men of rank and high fortune, the clergy, those who serve as officers in the army, navy, and especially in the militia:—Of all such, the country seats, farms, woods, cattle and corn, should be given up to be plundered by the people:—These predatory excursions should be made in different, and even distant quarters, by detachments of two or three hundred men each.

Extremities, such as these, rendered necessary by those of the republic, and justified by the reflection that our cruel enemy has shewed the first example, will attract numbers of artisans and workmen, of vagabonds and idlers, and even of malefactors; but especial care must be taken not to incorporate them in the legion; they are to be formed into new companies, commanded by French officers, and to the end that the natives may not be acquainted with the force employed, these companies are to be kept asunder, and in ignorance of the details, as far as circumstances will permit; it is principally by these new formed companies that the insurrection is to be forwarded.

The commerce of the enemy in the country, is to be interrupted by breaking down bridges, cutting of dykes, and ruining causeways, which is, at the same time, essentially necessary for the preservation of the army; by plundering all convoys of subsistence, the public stages and waggons, and even private carriages; the cutting off the supplies of provisions from the principal towns, burning all vessels and boats in the rivers and canals, destroying magazines, setting fire to docks and coal yards, rope walks, great manufactories, &c. &c. It is to be observed, likewise, that by these means, a croud of artisans will be thrown out of employment, and of course ready to embark in any measure which holds out them subsistence and plunder without labour or fatigue.

The success of the expedition will likewise be materially forwarded by disarming the militia, by burning the arsenals in the sea ports, by

stopping

stopping the couriers of government, by seducing the enemy's troops to desert, and by the terror which the success of the legion, and the progress of the insurrection will carry into the bosoms of the unwarlike citizens.

The country most favourable for this system, is that which is naturally strong, and in which there are forges and manufactures.

Subsistence is to be seized wherever it can be found; if any town or village refuse to supply it in the moment, it is to be given up to immediate pillage.

In order to spread the panic as generally as possible, the legion is to be divided into several columns, having settled a common rendezvous, where they are to assemble every four, six, or eight days; the inhabitants must be obliged to serve as guides, and any who refuse are to be punished on the spot; the magistrates, or some of their families, are always to be employed in preference on this service, that they may not accuse or punish the others.

All denunciations against those who join the legion, are to be punished with death. Wherever the legion, or any of its columns is posted, if the neighbouring parishes do not give instant notice of the approach of the enemy, whether by ringing of bells, or otherwise, they are to be given up to fire and sword.

For the safety of the troops uuder his command, Colonel Tate will avoid, as much as possible, all engagements with regular forces, and will, instead thereof, attack detachments, beat up their quarters, surprize their outposts, &c. He will encourage all deserters and prisoners to enter into the new companies before mentioned; should such prisoners refuse, he will shave their heads and eyebrows, and if they are taken again in arms, they are to be shot.

Colonel Tate will not omit to observe, that there are in England numbers of French, who will be eager to join him, such as prisoners of war, soldiers and sailors, privates in the emigrant regiments, and a croud of others, whom want and the desire of vengeance, will draw to his standard; he may admit such Frenchmen into the legion; but he will observe to be on his guard that the new comers may not raise cabals or factions, especially if there should be among them any nobles or priests, whose ambition is only to be exceeded by their cowardice; should any such attempt be made, he will take care to punish it most severely.

Should the militia, or volunteers of any district, oppose the march of the legion, such district is to be severely punished, the militia or volunteers to be disarmed, their arms to be distributed among the insurgents, and all ammunition carefully preserved.

Finally, Colonel Tate will always remember to avail himself of the talents of the principal officers who surround him; he will profit of all favourable circumstances to acquire for his party the force and confidence necessary to ensure success; he will spare, and even sustain the poor and the aged, the widow and the orphan, and will force the great, who are the cause of all our evils, to sustain the whole burthen of the war,

(Signed) Le Gen. *Le Hoche.*

Secretary of State's Office,
Whitehall, 4th May 1798.
Compared with the Original, *J. King.*

(No. 90. B.)

(No. 90. B.) Copy of the Instructions to Colonel Tate, on his Military Operations and Marches.

IT would be imprudent to remain any length of time on the coast, after having effectuated your landing; you will doubtless see the necessity of penetrating into the country, and especially into the counties of Cheshire and Lancashire; not to speak of the opportunities which those counties afford you, by means of the mountains, to avoid the pursuit of the enemy, the field of your operations will be more extended: With boldness and intelligence combined, you may easily possess yourself of Chester or Liverpool, which you will ruin by burning the magazines, and filling up the ports, or at least you may cut off all communication between those cities and the interior. There is another object which should likewise decide you to enter those counties, as you will be joined there by two other columns of French troops, to which you will unite that under your command, if the general commanding the expedition in chief shall desire it.

It is therefore of consequence that you direct your march, from the very moment of your landing, upon the town of Chester, where you will pass the Dee, beyond which you are to establish yourself.

Your march should be rapid and bold; you must not keep the main roads, but on the contrary proceed by bye paths and hollow ways, which are at a distance from the high road. Before you enter any village or town, you are to inform yourself whether there be any troops there, and what is their number; whether there be a river, and, if so, whether there be one or more bridges, whether it be inclosed with walls and barriers, &c.; and you are to take your measures in consequence.

You should frequently change your guides, and in order to mislead the enemy as to your destination, you should not take a new one in presence of him whom you dismiss; you should often make countermarches, and always mention to the guide you quit, a road different from that which you mean to take, asking the way to the town or village on which you mean to turn your back, or at least whither you do not mean to go.

In order to spread the consternation and astonishment as wide as possible, after the destruction of Liverpool (for this point is capital) you must follow your blow, and seize upon some small town, or sea port on that coast, which you will lay under contribution. You may be sure, that immediately, all the principal places will demand for their protection, troops from the government, which is in want of them, and will of course be obliged to separate those of which it can dispose, by which means you will be able to destroy a great number, by beating in detail the detachments which may be sent against you.

The mobiliary columns can alone be successfully opposed to you, but even in that case, it will be easy for you to destroy their effect. If they be weak, you will unite your forces and crush them; if they be strong, by scattering yourselves, and committing hostilities in a hundred different quarters; the towns, which will be terrified by these means, will soon demand the troops which compose the columns to protect them from your parties, who will thereby remain masters

of

of the field, and starve both the troops and the inhabitants. I doubt much, whether the English know as yet the nature and use of mobiliary columns, but even if they do, you may find means to render them useless, because the government has not troops in number sufficient to guard all the points at once, and parties like your's may overrun the country in a thousand different directions.

Your soldiers are to carry with them nothing but their arms, ammunition, and bread: They will find every where clothes, linen, and shoes; the inhabitants must supply your wants, and the seats of the gentry are to be your magazines.

In case the country, being exhausted, should offer you no further resources, or that a stroug body of troops should force you to quit the place where you had established yourself, you must depart with promptitude and expedition, make forced marches, and in the night, reposing yourselves by day in the woods and mountains; if you are obliged to halt, in order to procure provisions, you must first chuse a strong position, from which you will send detachments into the neighbouring villages; it is with your cavalry (for you must take care from the first to mount a sufficient number of your troops) that you are to make this kind of excursion; you will also observe to remount your cavalry as often as necessity may require it.

Marching in this manner, unincumbered with baggage, your troops cannot be overtaken by the enemy; but if it should so happen that you are obliged to stand an engagement, you must remember, that you are now a Frenchman, inasmuch as you command Frenchmen, and let that incite you to attempt a brilliant stroke; remember, however, that nothing but inevitable necessity should induce you to hazard the issue of a combat, and in that case, you must supply by courage the defect of numbers. Should you be forced to clear your way through the enemy, you must commence the attack, but let it be always by night. About eleven o'clock, or midnight, send out two or three patroles of four or six men each, with orders to set fire to a dozen houses in your rear, in different quarters; the enemy believing that you are running away, will most probably pursue you, in which case you may lay an ambuscade, or you may avoid him, or you may fall on the rear of one of his columns, which you may cut off with facility, in the dark, and the confusion of an unexpected attack. If the enemy should run to extinguish the fires, you have the same advantages; you have your choice, either to avoid him, or, which is still better, to beat him; if he remains under arms, and sends out patroles to reconnoitre, you must interrupt them, and put them to the bayonet, without firing a shot, and then, after two or three hours, you must form the column, and advance rapidly, *au pas de charge*, on one of his wings, which you will certainly rout, and then without pushing the affair further, you will pursue your route, and remember to make in that day two or three countermarches.

In this manner you may, by a brilliant action, surprise in the

night time, and cut off a post which may be opposed to you: In the daylight and open field you ought not, with the force under your command, to hesitate to attack two thousand of the enemy; and in the night, four or even five thousand: you ought to dislodge eight hundred from a post, not being intrenched; but if intrenched, and especially with cannon, you are not to attack them.

In order to pass a river, where the bridges are guarded or broken down, if you cannot procure boats, you must endeavour to remount towards the source, in order to find a passage by means of a ford, a milldam, &c. If you are hard pressed, you must strain a stout rope from one bank to the other, and pass your troops; those who do not know how to swim, holding fast by the rope, and carrying their firelocks slung over their shoulders, with the muzzle downwards to avoid wetting the lock; if trees can be found on the bank, long enough to reach across, they are still better than ropes; in which case you will fell several of them. If the river, though fordable, be so deep as to take the soldiers up to their necks, you must make the best swimmers pass first, and the others follow by ranks, each soldier holding the next man strongly with the left hand by the skirt of the coat, and carrying his firelock in the right; by this means those who reach the opposite bank first will sustain the others, and assist them in gettting out of the water: Your horses will also be of use, but you must not reckon upon them.

In case your position should be at last no longer tenable, or that superior forces should force you to quit the country, bordering on the channel, you must not lose an instant to join two French parties sent into the counties of York, Durham, and Northumberland. In that case you must send me notice into Ireland, that I may be enabled to execute a diversion in your favour. An officer in disguise may reach me, either by seizing a fishing boat on the coast of Wales, or else by the route of Scotland.

I count upon your firmness and your courage; you may equally rely upon the gratitude of the French nation, and my esteem and regard in particular.

My intention in giving you these instructions is less that you should attach yourself to the letter, than to the spirit of what they contain; and I leave to your judgment to make such modification therein as circumstances may render necessary.

(Signed) Le Gen.

Le Hoche.

Secretary of State's Office,
Whitehall, 4th May 1798.

Compared with the original,

J. King.

(No. 91.) Copy of a Letter from the Navy Office; respecting the Seizure of Cartel Ships by the French.

Navy Office, 4th May 1798.

EARLY in the year 1794, after the success of his Majesty's forces in the West Indies, under the command of Admiral Sir John Jervis and General Sir Charles Grey, divers hired transports, chartered by the navy board, being then under the admiral's command, were ordered by him as cartels, to convey French prisoners of war to St. Maloes in France; where, upon their arrival, they were seized by the French, and the crews made prisoners of war. Proof being made of this fact, the navy board, agreeable to the conditions of the charter party, paid the owners the value of their ships, being fifteen in number.

R. *Nelson*, Secretary.

P. S. In the year 1795, such of these vessels as could swim were delivered up by the French.

FINIS.